THE

UNCONSTITUTIONAL AND ILLEGAL

PROCEEDINGS OF THE COUNCIL

OF THE

PHARMACEUTICAL SOCIETY.

BY WILLIAM DICKINSON,

PHARMACEUTICAL CHEMIST, AND ONE OF THE EDITORS OF THE "ANNALS OF PHARMACY."

"The purest treasure mortal times afford
Is—spotless reputation; that away,
Men are but gilded loam, or painted clay.
* * * * *
Mine honour is my life; both grow in one;
Take honour from me, and my life is done."

RICHARD II.

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PHARMACEUTICAL SOCIETY.

TO THE MEMBERS OF THE PHARMACEUTICAL SOCIETY OF GREAT BRITAIN.

GENTLEMEN,

As one of the Council, and a representative of a considerable number of the members of this Society, I feel myself called upon to lay before you a plain statement of facts, in order to refute the calumnies and accusations brought against me at various times. These accusations have been made with a view of exciting your sympathies, and in order to obtain your sanction to my removal from the responsible position in which I have been placed.

Hitherto, the Council of your Society have, through the medium of their "Journal," been enabled to state their case in their own way, and convey to all the members of the Society exclusively their own views and sentiments. This system they have hitherto been enabled to follow up at the charge of the funds of the Society. The "Pharmaceutical Journal" is placed at the disposal, and under the superintendence, of one man, who has not failed to avail himself of the opportunity of contributing "articles" on subjects wholly inconsistent with the objects to which a Journal of a scientific society should be exclusively dedicated. Nor, indeed, is this all. Reports of all meetings have been entirely left to the management of a zealous partisan, who, while he avails himself of the opportunity of reporting and revising his own speeches and those of his immediate supporters, has not afforded the same advantage to those who have the misfortune to differ from him as to the management and conduct of the business of the Society. And I unhesitatingly assert that the statements of the latter have been garbled in a manner to suit the views of the reporter.

By these means most of you have been kept wholly in the dark as to the real merits of the discussions that are now going on between the Council and some of the members.

There are two principal accusations, or causes of complaint, brought against me :—

First,—That as member of the Council, I have carried on a systematic opposition to the decisions of that body.

And *Second*,—That as editor of a journal, I have published a series of attacks against the President and Council of the Society, and that "such conduct is incompatible with the position and functions of a representative appointed to watch over and protect the interests of the Society, or holding a responsible office."

The one calls in question my conduct during the proceedings and deliberations of the Council; the other, my right to give free utterance to my sentiments as the editor of a public journal. The former can only be known to the Council; the latter relates to matters that have been made public in the pages of the "Annals of Pharmacy."

A Special General Meeting was summoned for the 6th of September last, as announced by a circular, to take into consideration statements "made and published, impugning the honesty and integrity of the President and Council of the Pharmaceutical Society in reference to the Bye-laws and the general management of the Establishment:"—"and with a view of arriving at a satisfactory and harmonious conclusion, the Council resolved to refer the case to the members at large, by whose decision they desire to regulate the course to be adopted."*

To my great surprise, of the two charges above specified, the second alone was taken into consideration, by our President laying before the meeting a series of extracts from the "Annals of Pharmacy," containing charges and alleged libels against the Council. But to my alleged "systematic opposition to the decisions of the Council," or to the Bye-laws and "the general management of the establishment," for the consideration of which the meeting was specially convened, not one single allusion was made or explanation asked—subjects, it would appear, very important in themselves, but on which the Council were not over anxious to excite inquiry.

At this meeting I was called upon to "explain my conduct," in reference to the articles in the "Annals of Pharmacy." Having no "explanation" to offer, I declared my readiness to substantiate every charge brought against the Council by me, before a proper tribunal. This very practical proposal, followed up by a *motion*, suggested by Mr. FELLS, *for the appointment of an independent Committee to examine into the subject*, WAS REFUSED! My alleged "systematic opposition to the decisions of that Council," was, as I have said, not even alluded to at this meeting. The reason for this strange conduct will be made apparent in the sequel. My presence has been a restraint on the illegal and unconstitutional proceedings of the Council; *hence* their anxiety to remove me from that body; and this was made evident at the meeting in question, from the express declaration of Mr. Jacob Bell. He reports his own words as follows:—"The Council did not desire to expel Messrs. Bastick and Dickinson from the Society. He believed he was justified in making that statement, as expressing the unanimous feeling of the Council. But they did desire to be released from the perplexity and annoyance of sitting at the same board with men whose conduct was such as to frustrate all their endeavours to carry on the affairs of the Society harmoniously and satisfactorily."†

A report (such as it is) of the proceedings of this meeting, has been

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* Phar. Jour., vol. xiii. p. 102. † Phar. Jour., vol. xiii. p. 165.

recorded in the Transactions of the Society in the Journal. As an example of the fair dealing exhibited by those who have the control over that Journal, I may here state that a proof copy of nearly all the speeches delivered at that meeting was forwarded to the various speakers for revision, but Mr. Bastick, myself (the accused), and our supporters were not permitted this advantage. This disingenuous conduct will be reprobated by every honest member of the Society.

In the face of my public offer to prove the truth of my charges against the Council, the meeting decided, without any evidence adduced further than the admission on my part of the responsibility for the articles in question, that "my conduct was incompatible with the position and functions of a representative appointed to watch over and protect the interests of the Society, or holding a responsible office." The Council shrank from my invitation for a public investigation of their conduct, and now excuse themselves by stating, that with "the pressure of public business before them they need not allow their attention to be further distracted by the acetous fermentation of two individuals, who, after the exposure at the Special General Meeting on the 6th of last month, may safely be allowed to blush unseen, and waste their slanders on the desert air." * With this *coup de grace*, the Council hope to stifle all further inquiry on this head, by hurrying on, in the pursuit of their main object, my expulsion; but in this they are deceived.

The Council have not, however, allowed me to "blush unseen," for without accepting my invitation or Mr. Fells' proposal, I am again dragged before the "dread tribunal," and am now going through the farce of a mock trial previous to my ultimate and ignominious dismissal.

I have no desire, whatever, to oppose the wishes of the members, nor do I covet the honour of a seat at the Council Board. I was originally made a member of the Society without my knowledge or consent. My admission was presented to me, free of expense, and I was subsequently solicited to present myself as a candidate for a seat at the Council Board. Having taken this position, it is not my intention to relinquish it through intimidation or threats, nor will I submit to the humiliation of an expulsion without a proper cause being adduced for the necessity of such a step. At present there is none; and should the Council take the rash step, the question shall be tried before a higher tribunal.† I here lay my case before you, and fearlessly rely as well on the honesty of my purpose, as on your candid and impartial judgment.

The Council have formally called upon me to "explain my conduct," as a stepping-stone to the next proceeding—my expulsion. The "resolution,"

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* Phar. Jour., vol. xiii., No. iv. p. 147.

† A member of the Council (whom I will name if necessary), in reference to ulterior proceedings at law, has said in conversation, that if it were law I wanted the Council had plenty of funds at their disposal for that purpose. The members have here the pleasant prospect of seeing the Society's funds frittered away in law expenses. As I have taken no steps without the very best legal advice, I have no fear for the result, though I here, as a member of the Society and a contributor to the funds, protest against such a perversion of our property, and beg to warn the Council that they will have to pay the costs out of their private purses, should they sustain a defeat, of which there can be no doubt.

either designedly or through sheer incapacity on the part of the Council to grapple with the subject, is drawn up so indefinitely that I am denied the opportunity of offering that explanation which they appear to require, and it is in the exercise of no little ingenuity (if I may be allowed so far to praise myself) that I have been enabled to pen a reply. Such as it is, I set it out here *in extenso*.

TO THE PRESIDENT AND COUNCIL OF THE PHARMACEUTICAL SOCIETY OF GREAT BRITAIN.

GENTLEMEN,—I beg to acknowledge the receipt of a letter from your Secretary, dated October 6th, 1853, enclosing the document, of which the following is a copy:—

"PHARMACEUTICAL SOCIETY OF GREAT BRITAIN.

(Extract of Minutes of the Council, held on the fifth day of October, 1853.)

"RESOLVED,—That Mr. William Dickinson be called upon to explain his conduct as a member of the Council, in his systematic opposition to its decisions, and his endeavours to obstruct the business of the Society, by joining in a hostile appeal to the Secretary of State, in defiance of the provisions of the Charter, line 96 to 101.

"The explanation of Mr. Wm. Dickinson is also required with regard to the following passages, published in the periodical entitled 'Annals of Pharmacy,' edited by William Bastick and William Dickinson :—

"'Annals of Pharmacy,' July, 1853.—*Vide* No. xix. page 210, lines 34 to 42.

"'Annals of Pharmacy,' August, 1853.—*Vide* No. xx. page 243. Article entitled 'The Council and Bye-laws of the Pharmaceutical Society,' to the end.

"*Vide* No. xx. page 256.—Answer to 'Henry Cripps, Devizes,' 'Ajax,' 'Bosh.'

"Note.—A copy of the 'Annals of Pharmacy,' Nos. xix. and xx., accompany this, the portions referred to being marked."

You require me to explain my conduct as a member of the Council. I presume the Council adopts the present course in virtue of Rule 1. —Sec. xvii. page 24, of the Bye-laws :—

"Every member of Council who shall commit any act or acts which appear to the Council derogatory to the honour of his office, shall give an explanation of the same to the Council, on being required so to do; and in default thereof, or if such explanation be unsatisfactory to the members present, he shall be liable to the censure of the Council; or if it be deemed expedient, a notice may be given by any member of the Council for a motion of removal from the Society of the member so offending, which notice shall be inserted in the summons for the ensuing meetings of the Council until disposed of, and shall be taken into consideration at the first ensuing meeting of the Council at which twelve members thereof shall be present."

I beg *in limine* to protest against the power you have assumed to compel me to notice this communication.

It is both informal and irregular, and I deny your right to call me to account, either as a member of the Council or of the Society, without specific charges being brought against me.

To waive, however, all preliminary objections, I will endeavour to address myself to the purport and intention of the above resolution.

I. I am "called upon to explain my conduct as a member of the Council for my [alleged] systematic opposition to its decisions."

II. For "my [alleged] endeavours to obstruct the business of the Society, by joining in a hostile appeal to the Secretary of State, in defiance of the forms of the charter, line 96 to 101."

III. This charge has reference to certain articles and paragraphs inserted in certain numbers of the "Annals of Pharmacy."

I propose to notice these points in their proper order.

I. I beg most distinctly and emphatically to deny that I have raised or been party or privy to a "systematic opposition to the decisions of the Council;" and I demand an explanation of what you mean by a "systematic opposition," and an explicit statement of each particular case referred to, that I may have the opportunity of refuting those calumnious assertions *seriatim*.

I will, however, avail myself of the present opportunity to record a few of the leading subjects discussed at the meetings of the Council, at which I, as a member of that board, have had not only the right to vote, but freely to express my opinions.

1. I have consistently and continuously advocated the expediency of the Pharmaceutical Society publishing their own transactions, and have reprobated the monthly purchase of the Journal of a private individual as an act of injustice to the whole pharmaceutical community, and a proceeding calculated, eventually, to be the means of destroying the good that would otherwise arise from the exertions of this Council. I refrain, for obvious reasons, in this place, from making any observations on the use that has been made of the Society's Journal by a member of the Council, as a vehicle for his own private views.

2. I advocated the advantage and usefulness of the library if made circulating; and I may, without arrogance, assert that my exertions on that question largely contributed to obtain this boon for the Members of the Society.

3. I have urged the necessity of increasing the benevolent fund by legitimate means; that is, by appropriating a portion of the Members' subscriptions annually to that purpose, and so create in each member feeling of permanent interest in the Institution.

4. My views upon the publication of lectures are known, for which I have to thank the editor of the "Pharmaceutical Journal." I have maintained that the publication in the transactions of the Society of lectures which have been delivered in the institution, would be an act of justice towards the country members, who, from their position, are unable to visit the Society's house even once a year. But, at the same time, being fully aware of the difficulty of giving a report of educational lectures with the same effect as when delivered *vivâ voce*, I have also advocated that an educational course of lectures should cease, and that popular lectures, on subjects pertaining to Pharmacy and Chemistry, should be given by eminent men, so remunerated that the copyright should be vested in the Society. By such publication in the transactions of the Society, every Member would participate in the advantages accruing from the money spent under this head, which has amounted, in the aggregate, as you, and the Members well know, to a very large sum. I also assisted on a committee, appointed to specially consider the lecture question, which committee reported and recommended that the lectures should be free to the Members, Associates, and registered Apprentices of the Society, and also that they should cease when the courses then about to be delivered were completed. The Council adopted that report, and *resolved*, "That the Secretary deliver

cards of admission to the several courses of lectures to Members, Associates, and registered Apprentices, on application, free of charge." [Pharmaceutical Journal, vol. xi. p. 151.]

5. I have advocated the necessity of the Society giving up the educational portion of its establishment, not only from the enormous pecuniary loss arising therefrom, but also from the admitted and established fact, that the functions of education and examination are considered incompatible by the highest authority; more especially when the examination is conducted, and the diplomas or certificates are granted, under an Act of Parliament. The school, it is stated in your Journal, "has always been a heavy drain upon the funds of the Society." [Pharmaceutical Journal, vol. xi. p. 98.]

6. The founding of a pharmaceutical medal, to be given by the Council of the Society as a reward for proficiency and research in the various sciences relating to the practice of pharmacy, is a proceeding which I can claim the honour of having first introduced to the notice of the Council, and it affords me some little gratification to be able to mention here, that the Council adopted that proposition without a dissentient voice.

7. On the Pharmacy Act I was mainly instrumental in making the voting clause, what doubtless it was intended to be, but which it was not, a clause that would make voting by proxy a reality.

8. I have opposed the admission of gentlemen on the register of "Pharmaceutical Chemists," who were not Members of the Society at the time of the passing of the act, or who have not passed the Major Examination and paid the usual fees.

Previous to the passing of the Pharmacy Act, the Charter, and the then subsisting Bye-laws, did not contemplate the establishment of the new "order" of "Pharmaceutical Chemists." These Bye-laws were in force until May 1853, at which date the present Bye-laws came into force. The title of "Pharmaceutical Chemist" and the "register" were established by the Pharmacy Act. The act is explicit. By the 6th section, the privilege of being registered as a Pharmaceutical Chemist, and of assuming that title, is *exclusively* restricted to the then *members of the Society;* and the 10th section points out how other Chemists and Druggists might enjoy the same privileges, namely, by passing the prescribed examination, and paying the fees. All persons, therefore, whether in business or not, before or after the date of the Charter (February 18, 1843), before or after the passing of the Act (June 30, 1852), not *members* of the Society, *must*, by this section, submit to the ordeal of an examination and pay the fees, before they can be registered as "Pharmaceutical Chemists," or assume the title, or even become registered Members of the Society. The 12th section expressly declares that from the 30th June, 1852, it shall not be lawful for *any* person not being then (namely, June 30, 1852) duly registered as a Pharmaceutical Chemist, according to the provisions of the Act, to assume or use the title of Pharmaceutical Chemist or Pharmaceutist, in any part of Great Britain, or to assume, use, or exhibit, any name, title, or sign, implying that he is registered under this Act, or that he is a Member of the Society.

On these three clauses of the Pharmacy Act I take my stand, and declare any infraction of them illegal and unconstitutional.

But it has been asserted, that power is given, by the 2nd section of this Act, to the Council, "to make and establish new and additional Bye-laws, as they shall deem proper and necessary;" this is true, but the clause continues, "for the purposes *contemplated* by the Charter, or by this Act, to be approved by a general meeting, &c." But as the Charter did not at all contemplate the registering of Chemists and Druggists as "Pharmaceutical Chemists," and the act recognised those only who were actually members of the Society on the 30th June, 1852, and after that, such as should pass an examination and pay the fees; the Council were not enabled to frame a law to meet cases not *contemplated* by the Charter or Act. Do the Council suppose that this clause enables them to make laws, which would, in fact, modify, control, or supersede the Act?—Impossible.

The Council, however, did proceed to take the unconstitutional course of announcing to Chemists and Druggists, *after* the passing of the Act, that those who had commenced business after the date of the Charter (Feb. 18, 1843), and prior to the passing of the act (June 30, 1852), on applying before May, 1853, might have their names placed on the register of Pharmaceutical Chemists, and be admitted Members of the Society on payment of three guineas.

Seeing that such a proceeding would be contrary to the express provisions of the Act, I felt it my duty to point out to the Council that they would be acting illegally. To enable them to carry out the admission of these gentlemen on the lower scale of fees and without examination, and to redeem their pledge made to several who had accepted the invitation, the Bye-laws of November, 1852, were prepared. These, I was told, had been submitted to Counsel, and that "proper legal authority" had declared that it would meet the difficulty suggested. I seconded the resolution, adopting the Bye-laws at the Special Meeting, under the impression that the alleged legal opinion was to be relied on, and it is brought against me as an accusation that I now oppose my own resolution. [Pharmaceutical Journal, vol. xiii. p. 153.]

Gentlemen, you have not the courage to tell the whole truth. I soon discovered that the Bye-laws in question did not meet the difficulty, and subsequently I protested against the admission of Members under these Bye-laws, and stated my reasons. This protest I now again repeat.

The very Bye-law itself under which you propose to act, does not name or empower you to register these gentlemen as PHARMACEUTICAL CHEMISTS, but you take the power under this Bye-law to register these gentlemen as "CHEMISTS AND DRUGGISTS certified to be duly qualified for admission as Members of the Society." Yet even this power is denied you by the 12th section of the Pharmacy Act. And even yet further, it is Mr. J. H. Lloyd's unqualified opinion, that the Bye-law is *wholly void*.

Having committed yourselves, you submit a Case, and take the written opinion of Mr. Tidd Pratt on the legality of your proceedings, which, we are given to understand, he had already sanctioned. No person could expect Mr. Pratt knowingly to contradict himself; the

Opinion, nevertheless, bears a contradiction on the face of it. Had you exercised common prudence, and taken the opinion, as I have done, of some other Barrister of well-established reputation, you would have received a different reply on your Case. Mr. J. H. Lloyd is my authority, and I forward you the Case and his Opinion.

It is high time that the 650 gentlemen [Pharmaceutical Journal, vol. xiii. p. 146] who have applied to have their names entered on the register of Pharmaceutical Chemists should be apprised of their true position and legal status. I was perfectly aware that my opposition would render me unpopular with the few hundreds to whom this boon was offered, and had that opposition been only factious, I should have allowed this to pass, and endeavoured to conciliate this section of Members; but I will not sacrifice principle to expediency. The proceeding is illegal; the Council have no more right to remit the examination fees of these 650 gentlemen than they have of future applicants. By so doing they lay themselves open to proceedings by any factious member who might wish to embarrass the Council. If it were thought expedient to admit these gentlemen on the reduced scale of fees, the Council should have proceeded in a legal manner, and have sought additional powers, and not act in direct defiance of an Act of Parliament. Gentlemen, if it is your determination to act thus illegally, and make us, as a Council, liable for pecuniary payments, it shall not be without protest on my part.

Gentlemen, I ask what reply you could make to an Order from the Court of Queen's Bench to show cause why the names of 650 gentlemen, *as persons not duly qualified to call themselves Pharmaceutical Chemists*, should not be struck off the register of Pharmaceutical Chemists? To avoid a disgraceful exposure of these gentlemen in their several localities, and actions for damages being brought against yourselves, you would be obliged to present to each of them a diploma or certificate of their having passed an examination (*pro formâ*), and to pay the Society 7*l.* 7*s.* out of your own private purses, to make up the full amount of fees due on the registration of each of these gentlemen. And, on the other hand, in what a humiliating position would you be placed, were the Registrar to be served with a *Mandamus* issuing from the Court of Queen's Bench, directing him to put in force the penal clause of the Pharmacy Act against each of the 650 gentlemen who had assumed the title and emblems of a "Pharmaceutical Chemist" without proper qualifications?

These are matters of too serious importance, (and involving consequences which threaten the very existence of the Society,) to be treated with levity, or designated as "a quibble about words" [Pharmaceutical Journal, vol. xiii. p. 146], or "minor differences on matters of detail" [p. 145].

9. I have also legally and constitutionally opposed, in the Council and out of it, the introduction, into the present Bye-laws, of a rule making compulsory an annual payment of £1 1*s.*, as a registration-fee, by Chemists and Druggists who were Members of the Society, and were Pharmaceutical Chemists on the 30th June, 1852, by virtue of the 6th section of the Pharmacy Act. Failing to pay such annual sum, you assume the power to strike off the Register of Pharma-

ceutical Chemists the names of such defaulters. The effect of such clause, if it could be enforced, would be to compel these Members to contribute to the funds of the Society, as long as they carried on business, whether they approved of the Society or not, the mode of conducting its affairs, or the application of its revenue.

"It was originally the intention of the promoters of the Act to admit every individual, already in business, to the privilege of registration." [Report of a Meeting of the Chemists and Druggists of the counties of Warwick, &c. See Mr. Bell's speech. London: Churchill, 1852, p. 14.] Had this clause been allowed by the Committee of the House of Commons, every Chemist and Druggist throughout Great Britain, would also, by the present Bye-laws, have been called upon to contribute the annual fee of £1 1*s.* to the funds of the Society, *nolens volens*, under pain of being struck off the Register of Pharmaceutical Chemists,—a demand they could have successfully resisted.

I am perfectly aware that the Society must be supported by an adequate amount of subscriptions, but what I have contended for is, that those funds should be levied in a legal manner.

My objections to the Bye-law are twofold.

First. That it is illegal. The Council or Registrar has no power to strike the name of such defaulter from off the register of Pharmaceutical Chemists.

The 6th section of the Pharmacy Act secures him the privilege of registration, and, once placed on that register, nothing short of another Act of Parliament can disqualify him.

Secondly. It is impolitic and ridiculous to publish and make a Bye-law which is inoperative. You may be placing yourselves in the awkward dilemma of being called upon to put into effect this Bye-law, and find it to be a dead letter.

10. I have also supported, at the general meeting of May last, the suggestions of the members residing at Dover, for making certain other modifications in the then proposed Bye-laws, which are enumerated in the extract from a letter which I shall in due course set forth. I think it highly desirable that the "balance-sheet" of the Society's expenditure and receipts should be laid before the Auditors, at least *two months* before the annual meeting, and that all the Members of the Society should have the power at all seasonable hours to inspect and take copies of such accounts. The Bye-laws were defective in this, and in other respects; and as a Member of the Council, equally accountable as yourselves for a proper application of the funds of the Society, I felt bound to afford to every Member of the Society, with whose moneys we are entrusted, an opportunity of knowing how the funds of the Society have been applied, a sufficient time previous to every Annual meeting, to enable him to be prepared to put such questions to us as he might think proper.

II. As to the second charge, I as distinctly and emphatically deny, "that I have endeavoured to obstruct the business of the Society, by joining in a hostile, or any other, appeal to the Secretary of State, in defiance of the forms of the Charter, line 96 to 101," or any rule or

regulation of the Society, and I demand proofs of your gratuitous assertions.

I demand also to know what right you have to assign any sinister motives to my actions, without bringing forward proofs to support your charge against me.

I might decline to enter into a consideration of this charge until such proofs be adduced; but as I did attend, as one of a Deputation of Members of the Society, upon the Secretary of State, previous to the confirmation of the new code of Bye-laws of the Society, a refusal on my part to offer an explanation might be misconstrued, and I am glad to have this opportunity of explaining my reasons for joining that Deputation.

The object of the Deputation named, was to point out to the Secretary of State the objections taken by Members of the Society to the Bye-laws as they then stood for his confirmation. I attended as a *Member* of the Society, as one personally interested in its well-being and prosperity, anxious only that we should have legal and efficient Bye-laws to guide our future proceedings.

I deny your right to interfere or call into question my privilege, as a *Member* of the Society, to attend any Deputation or Meeting I may think proper.

You are aware that throughout the period occupied in framing those Bye-laws, I did assert my right, as a Member of the Council, to express my opinions, and give my vote, on the various points brought before the Meetings, on the form and effect of the proposed Bye-laws.

When I found myself in a minority, I always submitted, without observation; and I challenge any Member of the Council to point out when I have raised any factious opposition at any Meeting of the Council.

The lines 96 to 101 of the Charter referred to in the above resolution are as follows:—

"That at all general Meetings and Meetings of the Council, the majority of the Members present having a right to vote thereat respectively, shall decide upon the matters propounded to such Meetings, the person presiding therein having, in case of an equality of Members, a second or casting vote."

Am I really to understand that it is in virtue of this clause that the Council are empowered to call me to an account for my actions? Are you, Gentlemen, prepared, as men of business, to assert that because a Member is compelled, by virtue of the rules of the Society, at Meetings, to yield to the majorities, he may not, therefore, openly and fearlessly express his sentiments on every subject propounded at such Meetings, or take all legal and constitutional means out of doors to comment upon such measures, and even organize combinations to subvert them? The rule cited is common to all public and private Societies, and is not peculiar to our Association. Do we not daily see Members of Parliament, when their peculiar measures have been thrown out even by large majorities, agitate and combine with others for the purpose of subverting the existing laws of the country, and, season after season, reproduce in the House the same measures for discussion? If, then, such a course be allowed to Members of the Legislature, when the peace of the Empire is even at stake, why should the

Members of the Council of the Pharmaceutical Society be denied the same privilege? I claim for myself this privilege, and I assert it. I have law and reason on my side, and it is not your entreaties, or your threats of expulsion from the Society, which will induce me to alter my course so long as abuses remain unreformed.

You will also remember that I protested against certain proposed rules as wholly illegal. My opinion on this point was supported by that of the eminent Counsel and Lawyer, Mr. Bramwell, who had advised on a Case containing the facts, fully, clearly, and fairly stated, and accompanied by a copy of the Charter, the Pharmacy Act, and the proposed Bye-laws. Mr. Bramwell's opinion has been printed and circulated, and no person has ever yet come forward to show the fallacy of that opinion; on the contrary, it has been confirmed by another eminent Counsel, Mr. J. H. Lloyd.

And now let me observe that you, as Council of this Society, have permitted a false and slanderous statement to appear in the Journal of the Society, to the effect that the case was unfairly and incorrectly stated. [Vol. xiii. p. 146.] The Case contains a transcript of every clause and passage in the three documents mentioned, in any way affecting the questions at issue, accompanied by the documents themselves. You allege that the Bye-laws were "settled on competent legal authority." [Vol. xiii. p. 146.] When the *written* "opinion of the competent legal authority" [p. 145] was publicly called for, it transpired that it was only a *verbal* opinion on a case stated in conversation with Mr. Tidd Pratt that was taken! If the Council think such a proceeding satisfactory, the members of the Society cannot.

These Bye-laws, prepared by you, were brought up to the meeting of the 11th of May last, to be confirmed or rejected in *their entirety;* no modification was permitted to be made, the President arbitrarily and unconstitutionally declaring to the meeting "that the Bye-laws having been made and established by the Council, it was the business of the meeting either to reject them, or confirm and approve the same." "He explained that it was not competent for the meeting to initiate any new bye-law." [Pharmaceutical Journal, vol. xii. p. 561.]

At this Meeting, various useful and practical suggestions and amendments were offered, and, without alleging any reason for their refusal, they were wholly rejected, and the Bye-laws, as originally framed by you, were passed on the motion of *one of your own body, duly seconded by another.*

I now record the various points laid before Lord Palmerston by the Deputation, and would ask any candid and impartial observer whether the course I, and those associated with me, have taken, can be construed into a "hostile appeal to the Secretary of State," or, as your journal describes it, a "disgraceful exhibition of treachery and discord" [vol. xiii. p. 146] or "treacherous hostility" [p. 147].

That I should not be charged with a misstatement of what transpired at that meeting, and to explain what you, in your journal, have thought proper to designate as "misrepresentations at the Home Office," and "an interference with the successful operation of the Pharmacy Act" [vol. xiii. p. 98], I beg to transcribe a passage from the letter of the Solicitors of the Deputation, addressed to the

Editors of the "ANNALS OF PHARMACY," and published in that journal of August last, p. 253 :—

"GENTLEMEN,—In answer to your communication of the 12th inst., we beg to forward to you, in as concise a manner as possible, the various points which were brought to the notice of Lord Palmerston as amendments to the then proposed Bye-laws of the Pharmaceutical Society of Great Britain, by the Deputation of a Committee of Members of that Society, and which were embodied in a letter written by us to his Lordship at his request.

"I. By Section I., Rule 4, 'Superintendents,' on being duly proposed and seconded, may, at the option of the Council, be elected as members of the Pharmaceutical Society of Great Britain. The amendment suggested to his lordship was in Rule 4, after 'superintendents applying to be elected members' the words 'having passed the examination required of persons desirous of practising as Pharmaceutical Chemists,' should be added, to avoid ambiguity.

"II. The Bye-laws impose an annual tax of £1 1*s.* on Members of the Society who are Pharmaceutical Chemists by virtue of the 6th section of the Act, as a registration-fee as Pharmaceutical Chemists, and on their failing to pay such annual imposition, their names are to be struck off the Register of Pharmaceutical Chemists, which, if a legal proceeding, would compel every member of the Society to continue his subscription to the Society for life, whether he approve of it or not.

"According to Mr. Bramwell's opinion, the Council or Registrar has no power whatever of striking the name of such defaulter from the list. This, then, being clearly illegal, it was proposed to alter the Bye-laws in the following manner ; namely:—

"In Section I., Rule 7, by striking out, 'or registration-fee,' the clause would then read as follows:—'All Members being such prior to the 1st day of July, 1853, not being life members, shall pay an annual subscription-fee of one guinea, or in lieu, &c.' And as the payment of this annual subscription of Members is provided for by this rule, the rule No. 13 in the same Section should be struck out entirely, being a repetition; and by altering Rule 5, Section XI., by substituting the words 'members' for 'persons' in the first line, and in the last line substituting 'register of members of the society' for 'register of pharmaceutical chemists,' the Bye-laws would then be in conformity with the spirit of the Act of Parliament, and assume a legal shape in this respect.

"III. It was suggested that a *single* fee of 5*s.* should be paid by each person desiring to have his name placed on the register of Pharmaceutical Chemists as a registration-fee. A rule was suggested to be added to the Bye-laws to that effect.

"IV. Section VIII., Rule 2.—It was suggested that the 'balance sheet' should be prepared, and laid before the Auditors at least two months before the annual meeting. No time is specified by the Bye-laws as they now stand.

"V. Section XIII.—That all members should have a power, at all seasonable hours, to inspect and take copies of the accounts fourteen days previous to the annual meeting, and a rule was suggested to meet this omission.

"VI. Section XX.—That for the convenience of country members who may wish to attend the annual or other general meetings, and enable them to come up to town and return the same day, it was suggested that all general meetings should be convened not before 12 o'clock, or later than 2 o'clock P.M.

"The above, with a few verbal and immaterial alterations in the present Bye-laws, were submitted to Lord Palmerston for his consideration. We may mention, here, that the various points were suggested at the general meeting of members in May last.

"Another point urged before his Lordship was, that hitherto the London members, by reason of additional facilities offered them of visiting the Library and Museum, &c., paid an annual subscription of £1 11*s.* 6*d.*; the proposed Bye-law reduces the subscription of the London members to £1 1*s.*, without making any corresponding reduction in favour of country members. . . . . .

"We are, Gentlemen,

"Your obedient Servants,

"57, *Lincoln's-inn-fields*, 14*th July*, 1853. PRICHARD & COLLETTE."

My observations at the Deputation were wholly confined to the points

enumerated in the above extract; but I should observe that severe strictures were made by one of the gentlemen present on the anomalous position of Mr. Jacob Bell, in reference to the Journal of the Society, and also as to the use that had been made of its pages, which was wholly foreign to the purposes to which a Journal of a scientific society should be exclusively dedicated; namely, to scientific and educational purposes, and a faithful and impartial record of the Society's transactions. While fully agreeing in all that the speaker then thought proper to allege, I am not, nor can I be made, responsible for the words and acts of others.

These, Gentlemen, are the points brought before the Secretary of State for his consideration, either to adopt partially or wholly, which you, Gentlemen, have thought proper in your journal to designate as "frivolous — contradictory—sophistical—transparent—dishonest — fallacious — unintelligible — antagonistic to the progress of education—and—calculated to drag down pharmacy to its original level." [Pharmaceutical Journal, *passim.*]

I will dare venture to assert that there is not one independent Member of the Society who would not declare that the proposed modifications were both reasonable and necessary, and not "mere minor differences on matters of detail" [Pharmaceutical Journal, vol. xiii. p. 145], and that the epithets "hostile," "treacherous," &c., are unseemly and uncalled-for.

That I have endeavoured to obstruct the business of the Society, or interfere with the successful operation of the Pharmacy Act, by joining such Deputation, are assertions wholly devoid of truth and reason.

That the business of the Society was delayed for want of the confirmation of the Bye-laws by the Secretary of State is true, but I had no control over his Lordship's appointments.

The proposed Bye-laws received the confirmation of the meeting of members on the 11th May. On the same day Lord Palmerston was applied to, to name an early day to receive a Deputation of Members of the Society on such proposed Bye-laws. His Lordship fixed the afternoon of Friday, the 27th May, to receive the Deputation. At this meeting his Lordship requested the proposed modifications to be sent to him in writing. This statement was delivered at the Home Office on the Monday morning following (the 30th May). His Lordship's provisional confirmation bears date the 17th June following. If his other pressing and more important engagements precluded him from paying earlier attention to the Deputation or the application of the Council, I cannot see the justice of the accusation brought against *me*, that *I* have obstructed the business of the Society.

III. As to the charge with reference to certain articles contained in the "Annals of Pharmacy," I deny your right to demand any explanations from me on this head.

The Press of this country is a free Press. It maintains and daily puts in practice, its right to criticise the acts of all private or public persons, governments, bodies corporate, or associations. No person

has a right to interfere in the exercise of its legitimate prerogatives in this respect. Freedom of thought and freedom of expression are the safeguards of society. Without them there can be no liberty, no progress, no collective action. In their absence despotism finds its power, fraud its sphere of action, and quackery its victims. It is the duty, therefore, of every man to guard liberty of intellect as he guards his life. But as few men have leisure for reflection, and fewer still the power of giving utterance to thought, it has been agreed by common consent, in this enlightened country, to give privilege of speech to legislators, professional critics, and, above all, to contributors to, and editors of, the PUBLIC PRESS. The license thus granted, it has also been agreed, shall be exercised as an *individual right*, without detriment *to official position or relative connexions*. The speaker or the writer is presumed to utter his opinions for the correction of error or for the establishment of truth. All persons, all doctrines, all measures, all laws, rules, and regulations, are open to his animadversions. The conclusion of the critic may be right or wrong. If right, the public may adopt it; if wrong, reject it. The freedom on either side is equal. Such is the *natural* privilege of private judgment in Great Britain; and in proportion to the freedom of its exercise has been the tolerance of the Crown, the purity of the Church, the usefulness and stability of public and private institutions, and a restraint put upon the arbitrary exercise of power by demagogues, pedants, or other upstarts "clothed with brief authority." The speaker or writer is the *sole* judge of the means or language he should use on such occasions, which, for the most part, are regulated either according to the capacity of the auditory or readers, the character and actions of the individuals criticised, but more especially the subject-matter under consideration. He has equal right to express his thoughts and opinions in such manner as he may think best calculated to draw attention; or, if such be his object, to excite discussion. But whatever form of words may be employed, TRUTH will ultimately prevail.

If the Editors of the "ANNALS OF PHARMACY" have transgressed the law, there is a proper tribunal of appeal, and a remedy is afforded; but that tribunal is not the Council of the Pharmaceutical Society of Great Britain.

I have the honour to remain,
Mr. President and Gentlemen,
Your most obedient servant,
WILLIAM DICKINSON.

16, *Cambridge-street, Hyde-park,*
Nov. 2, 1853.

The above reply to the summons of your Council was read by me at the Council meeting of the 2nd inst. I now wait for the specific charges of the Council, and am prepared to meet them; but I protest against their taking any ulterior proceedings without first making such specific charges, and my failing to give a full and satisfactory reply.

You will not have failed to perceive that the real and vital questions between the Council and myself were wholly suppressed at the Special General Meeting of the 6th of September.

I wish now to submit to you a series of documents, as a justification of my opposition to the proceedings of the Council. My motives have been misjudged and misrepresented. I am accused of endeavouring to undermine and supersede the Society, and that my attacks are avowedly made for that object.* It is false, and I indignantly repudiate the charge. I desire to see the proceedings of the Society conducted in a *legal* and *constitutional* manner. I desire to see the Bye-laws of the Society in such form as may be legally enforced. I have also wished to see them practical and efficient, which they are not.

Not to mention all the various points set out in the letter of Messrs. Prichard and Collette, above quoted, I have opposed :—

I. The right assumed by the Council, under the Bye-laws of June, 1853, of striking from the "Register of Pharmaceutical Chemists" the names of such persons as are legally placed on that Register, on the parties failing to continue an annual subscription to the Society.

During the preparation of these Bye-laws in Committee, I unceasingly cautioned the Council that the Bye-law, Sec. xi. No. 5, contemplated an act illegal in itself; that it would be inoperative; and that it was perfectly useless to frame a law which could not be enforced.

The question now is, Was I right in my opinion? Was I justified in my opposition?

The following is a copy of a Case, very carefully drawn up for submission to the eminent Queen's counsel, Mr. Bramwell, and his Opinion. The Case is submitted in full, since it has been alleged and maintained that it was "unfairly and incorrectly stated,"† and that it was "drawn in such a way as to extract an adverse opinion from Counsel."‡ You are now able to judge of the truth of this allegation. But I submit that the accusation comes with very bad grace from those who only took a *verbal* opinion on the legality of the Bye-laws, putting it beyond a possibility of proof how that Case was put, and what opinion was given.

THE OPINION OF G. W. BRAMWELL, ESQ., Q.C.,

Respecting the Illegality of the Proposed Bye-laws of the Pharmaceutical Society.

Case.

The Pharmaceutical Society of Great Britain was originally a voluntary association, established in the year 1841, for the purpose of uniting Chemists and Druggists into one ostensible, recognised, and independent body, for protecting their general interests, and for the advancement of Pharmacy, by furnishing such an uniform system of education as should secure to the profession and the public the safest and most efficient administration of medicine. It consisted of members, paying an annual subscription of £2 2s., and of associates, £1 1s.; and its affairs were administered by a Council elected by the members, and were regulated by a code of Bye-laws.

On the 18th February, 1843, the Society was incorporated by Royal Charter.

After reciting the formation of the Society for the purpose above stated, and that it was "intended to provide, also, a fund for the relief of the distressed members and associates of the Society, and of their widows and orphans," the said Charter incorporated certain persons therein-named, with the persons then members of the said Society, or who should, at any time thereafter, become members thereof, according to such regulations or Bye-laws as should thereafter

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* Phar. Jour., vol. xiii. p. 152.

† Phar. Jour., vol. xiii. p. 146. ‡ Ibid., p. 163.

be framed or enacted for the purposes aforesaid, by the name of "The Pharmaceutical Society of Great Britain."

The Charter provides that the said Society "shall consist of persons to be called members thereof; and that such members shall be Chemists and Druggists who are, or have been, established on their own account, or who shall have been examined in such a manner as the Council of the said Society shall deem proper, or shall have been certified to be duly qualified for admission as members, or else shall be persons elected as superintendents by the Council of the said Society; and all of which members shall subscribe to the funds of the Society in such manner as shall be provided by the regulations thereof; and there shall also be admitted to all the privileges and benefits of the said Society—excepting the right of being present at the general meeting thereof, or of holding any office in the same—persons to be called Associates of the said Society, and such associates shall be assistants to Chemists and Druggists, also apprentices or students in Pharmacy and Chemistry; and such associates, apprentices, and students, shall first be duly examined in such manner as the Council of the said Society shall deem proper, and shall be certified to be duly qualified for admission thereto as associates, apprentices, or students respectively, and shall subscribe to the funds of the said Society in such manner as shall be provided by the regulations thereof."

It provides that there shall be general meetings of the members, and that there shall be a Council to direct and manage the affairs of the Society; and that the majority at such meetings of members shall decide the matters propounded to such meetings. It also points out the mode of election and duties of the Council.

The Charter empowers the Council to examine and decide upon the admission or registration of members, associates, &c., and to grant diplomas to such persons as they shall deem qualified to become such members, associates, &c.; to select honorary and corresponding members; to appoint and remove all the subordinate officers of the Society; and gives to the said Council the sole control and management of the property of the Society, subject to the Bye-laws thereof, and as therein provided.

And, lastly, the said Charter declares that it shall be lawful for the said Council, to the best of their judgment and discretion, to make and "establish such Bye-laws as they shall deem proper and necessary for regulating the affairs of the said Society; and also the number and description of its officers; and also the times, places, and manner, of examining candidates for admission; and also of removing and electing the members, associates, apprentices, and students of the said Society, and all subordinate servants, officers, and attendants as shall be deemed necessary or useful for the said Society; and also for filling up from time to time any vacancies, &c.; and for regulating and ascertaining the qualifications of persons to become members, associates, or apprentices of the said Society respectively; and for granting diplomas and certificates to members, associates, apprentices, and students; and also the sum and sums of money to be paid by them respectively, or any of them, whether upon admission or otherwise, towards carrying on the purposes of the said Society; and also the number, qualifications, and privileges of such persons as they may from time to time deem it proper to admit as honorary or corresponding members; and the amount or mode of relief to be afforded to the distressed members and associates of the said Society, and their widows and orphans respectively; and such Bye-laws from time to time to vary, alter, or revoke, and make such new and other Bye-laws as they shall think most useful and expedient, so that the same be not repugnant to these presents, or to the laws of this our realm; provided that no such Bye-law hereafter to be made, or alteration or repeal of any Bye-law which shall hereafter have been established by the said Council hereby directed to be appointed, shall be considered to have passed and be binding on the said Society until such Bye-laws, or alterations, or repeal of any Bye-laws, shall have been confirmed by three meetings of the Council."

This Charter, it will be observed, did not extend to the general body of Chemists and Druggists throughout the kingdom, and the members of the Society, it is presumed, could at any time have retired from it without affecting their position or professional standing, or their right to practise as Pharmaceutical Chemists.

But in the year 1852, the Council of the Society had credit enough to obtain

the Act 15 and 16 Vict. cap. 56, which affects all persons carrying on the business of "Pharmaceutical Chemists" in Great Britain.

By the 1st section the said Charter was confirmed, except such parts as should be varied by this Act.

By section 2 the Council of the said Society is authorized and empowered to alter and amend the Bye-laws of the Society, made and established under or in pursuance of the said Charter of Incorporation, and to make new or additional Bye-laws as they shall deem proper and necessary for the purposes contemplated by the Charter or by this Act, provided that all such Bye-laws shall be approved by a General Meeting of the Society, and by one of her Majesty's principal Secretaries of State.

By the 4th section the Council is to appoint a Registrar under the Act, whose duties by the 5th section are stated to be from time to time to make and maintain a complete register of all persons, "*being members of the said Society*," and associates, apprentices, and students, respectively, according to the terms of the Charter of Incorporation, and all *such other registers and books as may be required* by the Council of the said Society, and may be necessary for *giving effect to the Bye-laws of the said Society and to the provisions of this Act.*

By the 6th section it is provided, that "all such persons as shall at the *time of passing of this Act* be members, apprentices, &c., of the said Pharmaceutical Society of Great Britain, according to the terms of the said Charter of Incorporation, *shall be registered as Pharmaceutical Chemists*, assistants, &c."

Section 8 empowers all such persons as shall be from time to time appointed Examiners, in pursuance of the Charter or this Act, to examine all persons who shall present themselves under the provisions of the Act, and to grant or refuse them certificates of competency to exercise the calling of Pharmaceutical Chemist or Pharmaceutist.

By section 10, every such person who shall have been so examined and have obtained a certificate of qualification, *is entitled* to be registered by the Registrar, according to the provisions of this Act, upon payment of such fee or fees as shall be fixed by the Bye-laws, and every person duly registered as a Pharmaceutical Chemist is declared *eligible* to be a member of the said Society, &c.

By the 12th section it is provided that from and after the passing of the Act it shall not be lawful *for any person* not being duly registered as a Pharmaceutical Chemist, according to the provisions of the Act, to assume or use the title of Pharmaceutical Chemist, or Pharmaceutist, or to assume, use, or exhibit any name, title, or sign, implying that he is registered under this Act, or that he is a member of the said Society, under a penalty of £5.

Thus it will be seen that two things are contemplated by the Act:—

The first—the giving of certain privileges to the persons constituting the Pharmaceutical Society of Great Britain.

The second—requiring all persons desiring to practise as Pharmaceutical Chemists, to undergo a previous examination and obtain a certificate of qualification, entitling them to be registered under the Act, by which registration they are also to become eligible to be elected members of the Society.

It would, therefore, appear that for carrying out the purposes of the Act, the Registrar to be appointed by the Society must make and keep at least two registers —one of persons who shall be "members of the Society," which also involves their being qualified to practise as Pharmaceutical Chemists; and the other if persons simply qualified to practise as Pharmaceutical Chemists, and not otherwise connected with the Society.

Since obtaining this Act, the Council have thought proper to draw up a new code of Bye-laws, to be submitted for the approval of the next Special General Meeting of the Members (11th of May next), to which great objection is taken In particular, it is proposed by section i., Rule 5, "that persons not being lif members shall agree to pay the annual subscriptions at the times and in the manner agreed by the Bye-laws," with power to commute the same into a life subscription.

By Rule 6, "*Pharmaceutical Chemists*" registered under the 10th clause of the Pharmacy Act, shall, on admission as members, pay the sum of £5 5*s.* as a "life subscription."

By Rule 7, it is provided that all "*members*," being such prior to the 1st day of

July, 1853, not being "*life members*," shall pay an annual subscription or registration fee of one guinea, or in lieu thereof, the sum of £10 10*s.* as a life member's subscription.

By Rule 8, all annual subscriptions shall become due on the 1st day of January in each year; and if any member, associate, or apprentice, or student, shall not have paid his subscription before the 1st day of May in any year, his name shall be omitted from the "Register of the Society," certified by the retiring Council at the annual meeting. It shall, nevertheless, be at the discretion of any succeeding Council to restore any defaulter to the Society on payment of his arrears, and any fine which may be imposed not exceeding 10*s.* 6*d.*

By Rule 13, the Act 15 and 16 Vict. cap. 56, s. 6, having required that persons being "*members of the Pharmaceutical Society*," according to the terms of the Royal Charter of Incorporation, should be registered as "*Pharmaceutical Chemists*," and the said Charter having provided that all the "*members*" should subscribe to the funds of the said Society, upon admission or otherwise, as the Council should regulate by any Bye-laws, it is ordered that *an annual subscription or registration fee of one guinea* shall be paid *by all such persons*, and the name of no person shall appear in *future registers* unless he shall have paid the annual registration fee, or he shall have commuted such annual registration fee by a payment of £10 10s.

And by Bye-law or Rule 5, s. xi., it is proposed, that "the registers of all persons *paying annual* subscriptions to the Society shall be renewed annually, on the payment of their several subscriptions; and such registers shall also be laid before the members at the annual meeting in May, and the name of any *member* failing to pay his annual subscription on or before the 1st day of May, shall be omitted from the register of *Pharmaceutical Chemists*."

By these Rules, the distinction observed by the Act between "Pharmaceutical Chemists" and "members" of the Society is still followed, though it is stated that such is not the intention of the Council, but that their object is to bring all persons who may choose to be Pharmaceutical Chemists wholly within the liability to pay all the fees imposed upon members of the Society.

The only fees by the Act imposed upon Pharmaceutical Chemists are by the 10th section—being the fee or fees in registration under the provisions of the Act, which—that is, the amount of which—are to be fixed by the Bye-laws of the Society. Upon its members it is presumed the Society is entitled to impose what fees it pleases.

The Council has hitherto been a packed body, and has, according to the opinion of some of the members, greatly abused its power, and the funds of the Society entrusted to it; and so much dissatisfaction is felt, that several Chemists who intend to pass their examination and obtain their certificate under the 10th section of the Act, do not desire to become members of the Society, or to subscribe to its funds; while many of the existing members are desirous of withdrawing from the Socicty altogether, if they are satisfied that, by so doing, they will not forfeit their right to practise as, or to call themselves, Pharmaceutical Chemists.

Your OPINION is requested,

Q.—1. Whether persons who have passed the examination and obtained the certificate and qualification required by the 8th section of the Act, are not entitled under section 10, upon payment of such fee or fees as may be required by the Bye-laws of the Pharmaceutical Society, to be registered by the Registrar of the Society as Pharmaceutical Chemists, and thenceforth, to practise as such without any obligation to become members of the Society or make any further contribution to its funds than the fee or fees upon registration.

A.—1. *I am of opinion that persons who have passed such examination and obtained such certificate as mentioned in section* 10, *are entitled upon payment of such fees as are fixed by the Bye-laws to be registered and practise as, and assume the title of, Pharmaceutical Chemists, without becoming members of the Society, or being obliged to become such, or to contribute further.*

Q.—2. Whether members of the Pharmaceutical Society, whether registered as Pharmaceutical Chemists, under the 6th section of the Act, or having become so since, who may desire to withdraw from the Society, are not at liberty so to do, and duly qualified to continue to practise as Pharmaceutical Chemists without undergoing any new examination, or obtaining any further qualification; and if so, has the Society power by any Bye-law, such as that proposed (see section 11,

Rule 5), whereby any member of the Society failing to pay his annual subscription by the 1st of May in any year, the Council can remove his name from the register of "*Pharmaceutical Chemists.*"

A.—2. *I am also of opinion that a member may retire, or be expelled the Society as a member; but that if once registered, or entitled to be registered under section* 6, *he will retain all his rights of being on the register and practising.*

Q.—3. Whether having regard to the 10th section of the Act there is any limit or restriction other than the sanction of the Secretary of State to the amount of the fee or fees which the Society is empowered by the Act to impose by Bye-laws on persons who have obtained a certificate of qualification to practise as Pharmaceutical Chemists, but who may not choose to become members of the Society.

A.—3. *I think the fee must not be unreasonable; and that if an unreasonable one were fixed, the Bye-law would be void, and persons otherwise entitled might demand to be registered without paying any fee.*

And if not—

Q.—4. Whether the parties so taxed have any right to be heard or represented before the Bye-law for imposing such fee or fees is past, or any means of appeal afterwards.

A.—4. *Such parties have no right to be heard; they should memorialize the Secretary of State, or insist on registering without payment, and if refused apply for a mandamus, assuming the fee unreasonable.*

Q.—5. Whether persons who may have been in practice as Pharmaceutical Chemists before the passing of the Act, and even before the existence of the Pharmaceutical Society, but may not have become members thereof, are now incapacitated from continuing to practise without undergoing an examination and paying the fees on registration.

A.—5. *As I read section* 12, *it merely prohibits the assumption of a title. That is to say, it prohibits any man not registered from calling himself a Pharmaceutical Chemist or Pharmaceutist, or to say he is registered as a member of the Society. But it does not prevent any one from* carrying on the business *of a Pharmaceutical Chemist or Pharmaceutist; but then he must call himself "Apothecary," or "Chemist and Druggist," or any name but the prohibited two. I have no doubt this is the meaning, and, being very harmless, it applies to those in trade as well before as since the statute.*

(Signed), G. W. Bramwell,
Paper Buildings.

May 4, 1853.

Solicitors—Messrs. Prichard & Collette,
57, Lincoln's Inn Fields.

Thus it will be seen that the Bye-law to which objection had been taken was, in the opinion of Mr. Bramwell, illegal and inoperative. The soundness of this opinion has never been questioned by "any competent legal authority," but, on the contrary, it has been affirmed by another eminent barrister, Mr. J. H. Lloyd, as will be presently shown.

I have asserted that the Council have acted *unconstitutionally*, as well as *illegally*. The Bye-laws of June, 1853, were drawn up by the Council in committee. Previous to the special meeting in May last, a copy was sent to each member, with a summons to attend the meeting. In the interval you, as members, had an opportunity of considering the proposed Bye-laws. It will, however, be scarcely credited, when I state that, though the meeting was ostensibly called to receive the sanction of the members to the then proposed Bye-laws, the President, in a prepared and *pre-written* speech, declared to the meeting "that the Bye-laws having been *made and established by the Council*, it was the business of the meeting either to reject them or confirm and approve them; it was not competent for the meeting to initiate any new Bye-law." * Many valuable and practical suggestions

* Phar. Jour., vol. xii. p. 561.

were made as amendments to the proposed Bye-laws—some of them really essential to make them what they ought to be; but, without assigning any reason for refusing to embrace the proposed amendments, the Council placed the meeting in the alternative of accepting or rejecting the Bye-laws in their entirety. In the face of this most unconstitutional proceeding, the President, at a late meeting of members, had the boldness to assert "that the Council have no desire to suppress or restrain the free expression of opinion on the part of the members with regard to the regulations and management of the Society. They (the Council) are always glad to receive suggestions and promote discussion, as a means of eliciting truth."* I ask, is this not a mockery—nay, a direct insult—offered to the members? The Council acted in direct defiance of the deliberately expressed wish of several of the members, and the written opinion of a very high authority at the Bar.

You are aware that I attended with a deputation before Lord Palmerston, to point out to his Lordship our objections to the Bye-laws, as they then stood for his confirmation. His Lordship requested the proposed amendments to be made in writing, and said that he would give them his careful consideration. The objections are now matters of record, and will presently form a part of a Parliamentary Report on the transactions of our Society.

I have every reason to believe that his Lordship would have sent back these Bye-laws for reconsideration, had not the Council stooped to present a memorial to his Lordship, urging him to give his sanction to those Bye-laws. This memorial is based on statements which are not true in themselves, and have tended to deceive and mislead his Lordship as to the real state of the case. To render this apparent, I here submit a copy of the memorial itself:—

"MEMORIAL.

"*To the Right Hon. Lord Viscount Palmerston, M.P., Secretary of State, &c.*

"The undersigned Members of the Council of the Pharmaceutical Society of Great Britain, respectfully submit for the consideration of your Lordship the following statement in reference to the Bye-laws of the Society:—

"The said Bye-laws were framed by a Committee of the late Council, under the legal advice of Mr. Tidd Pratt. They were almost unanimously adopted by the Council, and duly confirmed by a very large majority at a Special General Meeting of the Members convened for that purpose, on the 11th of May.

"The present Council was elected on the 18th of May, after the Bye-laws had been for several weeks in circulation among the Members.

"The former Bye-laws having on the 18th of May ceased to be in force, the business of the Society cannot proceed until the new Bye-laws have been duly confirmed by one of her Majesty's Principal Secretaries of State.

"At a meeting of the Council held this day, it was resolved that a Memorial should be addressed to your Lordship, signed by those members of the Council who support the Bye-laws, believing them to be conducive to the interest of the Society, and founded on principles of equity and justice to the parties concerned.

"The objection taken to the Bye-laws by certain members of the Society is the renewal annually of the register of those parties who have been registered as Pharmaceutical Chemists, on the ground of their being members of the Society according to the terms of the Charter, which requires that they shall subscribe to

* Phar. Jour., vol. xiii. p. 152.

the funds of the Society in such manner as shall be provided in the regulations thereof.

"The opponents of the Bye-laws desire that the register should be permanent, and that the parties so registered shall not be required in future to comply with the terms of the Charter under which the privilege of registration was conferred upon them.

"While the Council do not advocate a compulsory payment to the Society, which is established on voluntary principles, they respectfully submit that all who enjoy the privilege of registration under the Pharmacy Act should either pay the registration fees required by the Act, or the subscription to the Society in lieu of such fees. They believe this to be in accordance with the principles of the Charter and the Act, and are supported in this opinion by Mr. Tidd Pratt, by whom the Bye-laws were settled.

"Under the circumstances above detailed, the undersigned respectfully request your Lordship's early attention and the confirmation of the Bye-laws."*

This document was signed by the President, Vice-President, and all the Members of the Council except myself.

You will, at once, perceive the truth of my assertion. The Council being either wilfully dishonest, or, not understanding the subject which they have been engaged upon, have allowed themselves to put forward a document which shows them to be persons totally incompetent to direct and manage the affairs of our Society.

1. By the statement in the third paragraph that the "Bye-laws had been, for several weeks, in circulation among the members," it is intended to be insinuated that the members should have availed themselves of that interval in considering their objections; that their having failed to do so, their objections now came too late, as the Bye-laws had been confirmed by a Special General Meeting. I ask you, Gentlemen, what would have been Lord Palmerston's reply had these Memorialists (the Council) stated, as the facts were, "that during that interval the members *did* consider the proposed Bye-laws, and at the meeting *did* suggest and propose, for adoption, several valuable suggestions as amendments, but by a pre-arranged plan to be pursued the whole of these suggestions were, without assigning any just cause or reason, rejected, on the arbitrary dictum of the President, who declared to the meeting that any amendment was wholly out of the question; the members had no right to give any opinions or suggestions on them, further than that the Bye-laws were to be adopted or rejected *en masse?*"

2. The fifth paragraph asserts that the Bye-laws were "founded on principles of equity and justice to the parties concerned." Did the Memorialists intend to assert that it was *equity* or *justice* to deny the most reasonable demand of the members that the "Balance Sheet" of the Society's accounts should be prepared and laid before the auditors, at least two months before the Annual Meeting, and that all the members should have the power, at all seasonable hours, to inspect and take copies of such accounts, at least fourteen days previous to the Annual Meeting? That for the convenience of country members who might wish to attend the Annual or other General Meetings, and enable them to come up to town and return the same day, all General Meetings should be convened not before twelve o'clock and not later than two o'clock p.m.? Is it justice and equity to reduce the subscription of town members from 1*l.* 11*s.* 6*d.* to 1*l.* 1*s.*, without

* Phar. Jour., vol. xiii. p. 4.

making a corresponding reduction for the country members? On what "principles of equity and justice" these several proposals, on the part of the members, were refused by the Council, remains yet to be explained. It is as well, however, that the expressions are restricted to "equity and justice," and the question of *law* was not raised. His Lordship, however, did not fail to notice this. Though he may have been misled by the erroneous statements of the Memorialists, he provisionally confirmed the Bye-laws, subject to the decision of a Court of *Law* upon the *legal* questions which have arisen, or might arise, with reference to them.

3. The sixth paragraph asserts that "the objection taken to the Bye-laws by certain members of the Society, is the renewal, annually, of the register of those parties who have been registered as Pharmaceutical Chemists, on the ground of their being members of the Society according to the terms of the Charter, which requires that they subscribe to the funds of the Society in such manner as shall be provided in the regulations thereof." Here is a culpable, if not fraudulent, misrepresentation of the real question at issue between the Council and "certain members." I am willing to believe that the majority of the Memorialists did not understand the question, and that they are, themselves, deceived. They, like sheep in the dark, have followed the sound of the tinkling *Bell* of their leader. The objection stated *has never been raised*, either on the ground of their being members of the Society according to the terms of the Charter, or otherwise. If the Council desire their officers to be engaged in such a harmless occupation as the periodical revision of the register, they are at perfect liberty to do so with impunity, so far as the interests of the "certain members" or the "Pharmaceutical Chemists" are concerned. What the Memorialists should have stated to his Lordship was, that "the chief objection taken to the Bye-laws by certain members, as fully explained at the Special Meeting, was the illegal and compulsory payment of an annual registration fee of one guinea by Pharmaceutical Chemists, who are entitled to be registered by virtue of the Pharmacy Act, on pain of having their names struck off the Register of Pharmaceutical Chemists, a power assumed by the Council which *neither* the Charter *nor* Act of Parliament confers; a power, which the eminent Queen's Counsel, Mr. Bramwell, states would be illegal."

4. The seventh paragraph states that (1) "the opponents of the Bye-laws desire that the register should be permanent, (2) and that the parties so registered shall not be required, in future, to comply with the terms of the Charter (3) under which the privilege of registration had been conferred upon them."

Here are no less than three perversions of fact. The so-called "opponents" have *never* expressed any desire that the register should be permanent, nor have they ever proposed that the parties so registered should not be required, in future, to comply with the terms of the Charter; nor is the privilege of the registration in question conferred upon them by the Charter. I have already stated what "the opponents" do desire, which has nothing to do with a permanent register. The Pharmacy Act requires that two registers at least should be kept — the one "a register of Members," the other "a register of Pharmaceutical Chemists;" these two are confounded together by the Memorialists. It is with the register of Pharmaceutical Chemists we are at present concerned. This register is not

named or contemplated by the Charter, and, as a natural consequence, no registration fee is there named. The privilege of being registered as Pharmaceutical Chemists is conferred on all the then members of the Society, free of charge. The whole paragraph is a tissue of nonsense and a perversion of facts. The "opponents" desire in the strictest, as well as the most extended, meaning of the words, "to comply with the terms of the Charter," as well as of the Act of Parliament. It is the Council who wish to pervert both. *The Act and Charter being sufficient for all our purposes if administered in their integrity.*

5. The eighth paragraph declares that the "Council do not advocate a compulsory payment to the Society;" the very thing which the "opponents" contend and prove that they *are* doing, by Sec. xi. No. 5 of the present Bye-laws. But the Council submit that Pharmaceutical Chemists ought to do that which the Council or the Bye-laws cannot compel them to do, though the latter be endorsed by the Secretary of State's sanction and approval, namely, pay an annual subscription of 1*l.* 1*s.* to the funds of the Society, on pain of being struck off the register. This is the very question in dispute, and the Memorialists have the hardihood to declare to Lord Palmerston that, in the opinion of Mr. Tidd Pratt, the Bye-law to effect such purpose is *in accordance with the principles of the Charter and the Act.* I will dare venture to assert that Mr. Tidd Pratt never gave any such opinion, and if he did, would now retract that opinion, if he had before him the opinions of Mr. Bramwell and Mr. Lloyd, which contain a full statement of the case.

It is "under the circumstances above detailed that the Memorialists respectfully request his Lordship's early attention and confirmation of the Bye-laws!" Why, Gentlemen, the whole document is a deception practised on his Lordship (whether intentionally or unintentionally I leave you to judge), in order to extract from his Lordship a confirmation of these Bye-laws.

You are aware that as the confirmation extends to one year only, the members, in the meantime, expected to have the opportunity of again considering them; but, alas! even this we are to be denied. Mr. Tidd Pratt has actually advised the Council that the act of Lord Palmerston amounts to an actual and unqualified confirmation. The President and Vice-President had, no doubt, this view of the case in their minds when they ventured to announce to the members "that Lord Palmerston had confirmed and approved the Bye-laws as submitted to him."* Even here again the "competent legal authority" is at fault; for it is Mr. Lloyd's opinion, as we shall presently see, that there is no confirmation at all of the Bye-laws. I, and those associated with me, though not satisfied with his Lordship's decision, were willing to come before the members, next year, on the subject; but the Council have now forced on us another and a more decisive mode of action.

II. The second question between the Council and myself and my associates is,—Whether the Registrar can legally place on the register of Pharmaceutical Chemists the names of the applicants under the Bye-laws of November, 1852, on payment of 3*l.* 3*s.*, or 3*l.* 13*s.* 6*d.*; and without requiring such persons to pass the Major examination? This involved

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* Phar. Jour., vol. xiii. p. 6.

another important question, namely,—Whether the Bye-laws, under which the Council have acted, are in themselves valid?

I have, from time to time, entered my protest against the proceedings of the Council in this respect. I did so on principle. I had no wish to deprive the 650 applicants of the benefits to be conferred on them by the assumption of the title of "Pharmaceutical Chemist." What I have contended for is, that the Council should act legally, and not place themselves in the humiliating position of being called upon to cancel the registrations. My protests, however, have been deemed factious, nor would the Council consider the question until they were compelled, in order to give a reply to a Mr. Van Scolina, who took the precaution of inquiring of the Secretary before he parted with his money, whether he could legally assume the title of "Pharmaceutical Chemist." This correspondence is so far important, as exhibiting the proceeding of the Council in its proper light. They endeavour to escape the difficulty they are placed in by a paltry subterfuge.

The correspondence is as follows, as furnished by Mr. Van Scolina to the Editors of the "Annals of Pharmacy:"—

CORRESPONDENCE BETWEEN MR. VAN SCOLINA AND THE SECRETARY OF THE PHARMACEUTICAL SOCIETY.

27, *Dudley-grove, Paddington, August* 23, 1853.

GENTLEMEN,—I enclose a correspondence which I have had with the Secretary of the Pharmaceutical Society. If you have space to publish it in your valuable journal, it will, perhaps, be the means of drawing attention to the unsatisfactory position in which myself and others are placed by the Council of the Society. I am, &c.,

To the Editors of the "Annals of Pharmacy." G. VAN SCOLINA.

Pharmaceutical Society of Great Britain, 17, Bloomsbury-square. Incorporated by royal charter, A.D. 1843. 15th and 16th Vict., c. 56. June 30, 1852.

London, July 14, 1853.

SIR,—I am directed by the Council to announce your election as a member of the Society. In returning the accompanying form, required for the preparation of the diploma, I will thank you to remit to my order the sum of three guineas and a half, and oblige, your obedient servant,

Mr. G. VAN SCOLINA. GEORGE WALTER SMITH, *Secretary.*

27, *Dudley-grove, Paddington, July* 18, 1853.

SIR,—Having attentively perused the Pharmacy Act, I entertain strong doubts whether I can legally assume the title of Pharmaceutical Chemist, or even call myself a member of the Society. My opinion is based upon the 6th and 10th clauses of the bill, which, to my mind, clearly indicate who are to assume the title of pharmaceutical chemist, and who are to be members of the Society. Not coming within the pale of those clauses, I fear that the 12th clause of the act will operate as a bar to my participating in the privileges of the Society. I am, &c.,

GEORGE WALTER SMITH, Esq., *Secretary of the Pharmaceutical Society.* GEORGE VAN SCOLINA.

London, July 20, 1853.

SIR,—You do not state that you hold any other diploma, and, therefore, I cannot offer any opinion upon your doubts. If you will state the case fully, I will attempt to do so. Truly yours,

Mr. VAN SCOLINA. GEORGE W. SMITH, *Secretary.*

27, *Dudley-grove, Paddington, July* 23, 1853.

Sir,—In answer to your note of the 20th inst., I beg to state, that I hold no diploma of any kind. I am simply a Chemist and Druggist. As your note of the 14th inst. informs me I have been elected a member of the Pharmaceutical Society of Great Britain, by the Council of that body, I shall feel obliged if you will refer to my previous letter, and point out under what clause of the Act I have been admitted, and also which clause permits me to be registered as a Pharmaceutical Chemist, and privileges me to assume that title. If you will refer to the Pharmacy Act you will find that clause 6 states who shall be registered as Pharmaceutical Chemists, thereby negativing me. Clause 10 speaks only of registration and admission by examination, for which I have neither time nor inclination. Clause 12 states, it shall not be lawful for any person, not being duly registered, to assume or use the title, &c. Now, how can I be duly registered according to the Act? Bye-laws cannot upset the law; therefore, I wish to know if I shall be a legal *bonâ fide* Pharmaceutical Chemist when I have paid my money, or shall I be taking a leap in the dark, and render myself liable to be *un*membered and disentitled at the will of any refractory member, or Pharmaceutical Chemist, who may choose to raise the objection, and so not only lose my status, but my cash also.—I am, &c.,

George Walter Smith, Esq., George Van Scolina.
Secretary of the Pharmaceutical Society.

17, *Bloomsbury-square, July* 25, 1853.

Sir,—I do not accept your interpretation of the Act, but will not undertake, on my *own authority*, to refute it.—Truly yours,

Mr. Van Scolina. George W. Smith, *Secretary.*

27, *Dudley-grove, Paddington, July* 28, 1853.

Sir,—I am sorry to trouble you with another note, but your reply to my last one is so unsatisfactory, that I fear you must have misunderstood the purport of it. I did not presume to offer you an interpretation of the Pharmacy Act, but merely explained what appeared to me to be the difficulties of my position, nor did I desire that you should undertake to refute anything that I stated, on your own authority, or that of any one else; but I ask you as a favour, presuming that I have a right to make such a request, to tell me under which clause or clauses of the Pharmacy Act, persons who commenced business on their own account after the date of the Charter, and prior to the passing of the Act, and who have been admitted as members by the Council, can be placed on the Register of Pharmaceutical Chemists. An answer to this question was the object of the last note I troubled you with, and as you have not favoured me with that answer, I beg to request that you will do so, if there be nothing irregular in making such an application; and if it be not in your province to answer that question, I will thank you to inform me whose duty it is to supply such information, as I will then make the application in the proper quarter. You promised in your note of the 22nd inst., that you would attempt to offer an opinion upon my doubts. Therefore, I beg that you will do so as speedily as possible, as I am anxious at once to be registered under the Pharmacy Act, if I can be so legally.—I am, &c.,

G. W. Smith, Esq., George Van Scolina.
Secretary to the Pharmaceutical Society.

17, *Bloomsbury-square, July* 29, 1853.

Sir,—When I emphasized my *own* opinion, I meant it to imply, that I would afford you an authorized opinion of the Council, and this I will do after Wednesday next. I did not in any way question your right to make the interpretation of the Act, but simply that I would not myself presume to commit the Council by my private views. I have received your remarks with every respect, and with this feeling remain yours truly,

Mr. Van Scolina. George W. Smith, *Secretary.*

17, *Bloomsbury-square, Aug.* 4, 1853.

Sir,—In reply to your letter of the 22nd July ult., I am instructed by the Council of the Pharmaceutical Society, to refer you to the 1st and 2nd clauses of the Pharmacy Act, 15 and 16 Vict. c. 55.

The Bye-laws, under which you have been elected a member, were submitted to, and approved by, competent legal authority. The penalties under the 12th clause of the Act, are recoverable only in the name and by the authority of the Council.

The Council believe, and are legally advised, that the said Bye-laws are in accordance with the terms and spirit of the Charter and the Act.

If you are not satisfied on the questions raised in your letter, you are not obliged to become a member although elected, as you can make the election void, by omitting to pay the fee and subscription within the time prescribed.—I am, &c.,

Mr. G. Van Scolina. George W. Smith, *Secretary.*

27, *Dudley-grove, Paddington, August* 22, 1853.

Sir,—I beg to thank you for your letter of the 4th inst. My inquiry was whether I could legally assume the title of Pharmaceutical Chemist according to the Act. You refer me to the first and second clauses of the Act, 15 and 16 Vict. c. 56, by virtue of which I have been elected a member of the Pharmaceutical Society, and am entitled to be registered as a Pharmaceutical Chemist.

In the first clause, I read that the "Charter of Incorporation—save and except such part or parts as they are hereby altered, varied, or repealed—shall be, and is, by the said act, confirmed." By the second, power is given to the Council of the Society, "to make and establish such new or additional Bye-laws, as they shall deem proper and necessary for the purposes contemplated by the said Charter or by this Act to be approved by a general meeting of the Society, and by the Secretary of State. Providing also that the existing Bye-laws of the said Society shall continue in force until the next annual meeting of the Society, to be held in May, 1853."

These are the two clauses referred to by you, by virtue of which I can obtain a legal status as a member of the Pharmaceutical Society of Great Britain, and as a legally registered Pharmaceutical Chemist or Pharmaceutist.

Now, sir, I presume that I am to look for my qualification under clause 2 of the Act. Neither the then existing Bye-laws nor the Charter name or contemplate a registration of pharmaceutical chemists, therefore this clause of the Act does not in any way affect my present question. And as to membership, the Charter stipulates that the Society shall consist of persons to be called members thereof, and that such members shall be chemists and druggists *who were established* on their own account before February 18, 1843, or who shall have been examined in such manner as the Council of the Society shall deem proper, or shall have been certified to be duly qualified for admission as members.

By section 1, of the Bye-laws made in pursuance of the power granted by the Charter, it is stipulated that all persons desirous of being members, except associates admitted prior to 1st July, 1842, and chemists and drnggists established on their own account at or prior to February 18th, 1843, shall in the first place pass such examination as the Council shall think fit and require, and that such examination be called the Major Examination; and by Rule 3, it is provided, that "all persons who were or had been established on their own account, as chemists and druggists, at or prior to the date of the Charter—namely, 18th February, 1843, may, on being approved by the Council, be elected members." These are all the stipulations with reference to membership.

As I was neither an associate of the Society prior to 1st July, 1842, nor established on my own account as a chemist and druggist at or prior to the 18th February, 1843, my case cannot come within the contemplation of the Charter or of these Bye-laws.

It is by virtue of the Pharmacy Act alone that any person can claim the title, and be registered as a Pharmaceutical Chemist or member of the Society.

By the 6th clause, it is provided that "all such persons as shall at the time of the passing of the Act be members, associates, apprentices, or students, of the said Pharmaceutical Society of Great Britain, according to the terms of the said Charter of Incorporation, shall be registered as Pharmaceutical Chemists, Assistants, &c."

As I and other persons applying to be registered were neither members nor associates, &c., of the Society, at the time of the passing of the Act, we cannot claim to be registered either as members or as Pharmaceutical Chemists under this section. The only other clause in the Act is the twelfth, and this is imperative; it

expressly stipulates that from and after the passing of this Act, it shall not be lawful for any person not being duly registered as a Pharmaceutical Chemist, according to the provisions of this Act, to assume or use the title of Pharmaceutical Chemist or Pharmaceutist in any part of Great Britain, or to assume, use, or exhibit any name, title, or sign, implying that he is registered under this Act, or that he is a member of the said Society.

Clause 10 points out how such persons can make themselves eligible to be registered as Pharmaceutical Chemists—namely, by passing the examination, and paying the fees.

The then existing Bye-laws were made in pursuance of the Charter, and were part of and subject to it. The Act confirms these, "except such parts as are thereby altered, varied, or repealed." The 10th and 12th clauses, therefore, clearly alter the terms on which persons were thenceforth to become members of the Society, and, established a *new* rule entirely as to the position or title of Pharmaceutical Chemists, not at all contemplated by the Charter or the then Bye-laws.

Your reference, therefore, to the first and second sections of the Pharmacy Act, 15th and 16th Vict. c. 56, for the authority of the Council to elect me, and others similarly situated, members of the Society, and to place us on the register of Pharmaceutical Chemists, without passing an examination or paying the proper fees, is, therefore, wholly irrelevant.

You state that the Bye-laws under which I have been elected a member were submitted to and approved by competent legal authority. I have, also, competent and legal authority for what I state, and am at present fully satisfied that the Council have no power whatever to elect me a member of the Society, or place me on the register of Pharmaceutical Chemists in the manner now proposed. I believed, but it now appears erroneously, that I was elected under the Bye-laws passed in November, 1852, but as these were passed *subsequently* to the date of the Act, and as you refer me to the first and second clauses of the act itself as the authority which refers to *previous and then existing* Bye-laws, I have been mistaken; but other gentlemen, nevertheless, are under the impression that the Council are acting under or by virtue of the Bye-laws confirmed in November, 1852. There can be, however, no question that these last-named Bye-laws cannot legalize the registrations contemplated, and this opinion of my legal adviser is confirmed by another published in the August number of the "Annals of Pharmacy," page 253.

You stated also that "the penalties under the twelfth clause of the Act are recoverable only in the name and by the authority of the Council." Do you pretend to insinuate by this that if the Council invite the Secretary and Registrar to do an illegal act, and connive at my doing the same, that though we infringe the law, the Council alone having the power to put the law into active operation, will wink at these infractions provided I pay down my admission fees? Can their silence thus be bought?

I trust for the honour of the Council, for the honour and dignity of the law, that the gentlemen of the Council are not knowing or willing parties to any such fraudulent and dishonest proceeding, and that the passage I have quoted from your letter has been written without their sanction or knowledge.

You state that the Council believe and are legally advised that the said Bye-laws are in accordance with the terms and the spirit of the Charter and Act.

"The said Bye-laws," which did you mean? The Bye-laws referred to in the 2nd section of the Act, named in the first part of your letter? If so, I would remind you that those Bye-laws were made *before* the passing of the Act, and, therefore, could not be in accordance with the terms and spirit of the Act, which did not then exist.

And those Bye-laws as to the questions under consideration are modified, varied, or repealed by the 6th, 10th, and 12th sections of the Act, *subsequently* passed, and do not refer to Pharmaceutical Chemists at all. If you refer to the Bye-laws passed in November, 1852, and confirmed subsequently to the passing of the Act, being, also, "legally advised," I beg most respectfully to inform you that the Council is acting illegally, and I beg you to produce the written opinion of the Attorney-General, Mr. Bramwell, or other competent authority, on the point, with a proper case laid before either of them, then I shall be satisfied, not otherwise. I am desirous of becoming a legally registered Pharmaceutical Chemist, under the Act of Parliament, but as to being a member of the Society, I do not covet the

honour. I am invited by your Council to be placed on the register of Pharmaceutical Chemists. I apply with all sincerity for information as to my legal status, as questions have been raised on the point. I receive evasive or insufficient answers, and am now politely told that I may "make the election void by not paying the fee."—I am, Sir, &c.,

GEORGE VAN SCOLINA.

GEORGE WALTER SMITH, ESQ., *Secretary to the Pharmaceutical Society.*

To this last letter Mr. Van Scolina has received no reply. But the Council, feeling the difficulty of their position, have at length been driven to take an opinion on this subject.

The following is the Case submitted to Mr. Tidd Pratt and his Opinion :—

MR. TIDD PRATT'S OPINION ON THE BYE-LAWS OF THE PHARMACEUTICAL SOCIETY, WITH CASE SUBMITTED.

HEREWITH are left copies of the Charter of Incorporation; of the Bye-laws made in June, 1851, in pursuance of the Charter; of the Act 15th and 16th Vict. cap. 56; of Two additional Bye-laws made in November, 1852; and of a general code of Bye-laws, made in June, 1853.

Upon the *construction of these* documents, *questions have been raised*, and the opinion of Counsel is requested on behalf of the Council of the Society, upon the points hereafter referred to.

1st. Soon after the passing of the Act, an announcement was made by the Council of the Society that candidates applying *before* the 1st of May, 1853, to be examined, with a view of becoming members or associates of the Society, would be subjected to a more *lenient examination* than subsequent applicants. Upwards of 200 persons made application accordingly, and it was arranged by the Council that the Board of Examiners should meet twice or three times during each month, to proceed with their examination, taking them in rotation, on the understanding *that they should all be entitled to the privilege of the lenient examination.*

A portion of the applicants above-mentioned passed their examination, and were admitted PRIOR to 1st May, 1853. Between 1st May and the 1st July, 1853, there were no examinations. A considerable number were not examined *until after* the 1st July, 1853, and *some are still waiting their turn.*

The attention of Counsel is directed to the Bye-laws of June, 1851, section 2; to the Act 15 and 16 Vict. cap. 56, sec. 1; to the fact that the *applications* referred to were made *prior to* the date of the latter Bye-laws; to the Bye-laws of June, 1853, sec. 1, Nos. 2, 6, and 7; section 10, Nos. 7, 8, 9, 10, and 11.

Q. The Council desire to be advised whether the date of the applications will justify the Society in placing such of the parties referred to, as were not admitted prior to May, 1853, in the same position with regard to subscriptions, which they would have occupied if they had passed their examination, and been admitted before the 1st July, 1853?

A. *I am of opinion that the date of the applications will* not *justify the Society in placing such of the parties referred to, as were not admitted prior to May*, 1853, *in the same position with regard to subscriptions which they would have occupied if they had passed their examination and been admitted before 1st July*, 1853.—J. TIDD PRATT.

The attention of Counsel is, in the second place, directed to the Bye-laws of November, 1852, No. 1, and to the Bye-laws of June, 1853, sec. 1, Nos. 2 and 7.

In reference to these provisions, it is to be noticed that some of the parties who availed themselves of the first-mentioned Bye-law, were not elected as members until after the 1st July, 1853, although they applied for admission in due time; also that the amount of the Annual Subscription, although not specified in Bye-law No. 2, is stated in Bye-law No. 7.

Q. The Council desire to be advised whether the persons referred to can now be admitted, subject to the payment of Annual Subscriptions of One Guinea?

A. *I am of opinion that the persons referred to* cannot now *be admitted, subject to the payment of Annual Subscriptions of One Guinea.*—J. TIDD PRATT.

The attention of Counsel is in the third place directed to the Bye-laws of June,

1851, sec. 1, Nos. 3 and 4; to the Bye-laws of November, 1852, Nos. 1 and 2; and to the Act 15th and 16th Vict. cap 56, sec. 1, 2, 5, 6, and 10.

It is to be observed that there is a class of persons who were *neither associates of the Society prior to the 1st July*, 1842, nor established in business PRIOR to the 18th of February, one thousand eight hundred and *forty-three*, but who applied for admission in conformity with the Bye-law No. 1, of November, one thousand eight hundred and *fifty-two*, and have been elected.

Q. The Council desire to be advised whether these persons have been legally elected, and whether the Registrar can properly place them upon the register of Pharmaceutical Chemists.

A. *I am of opinion that these persons have been legally elected, and that the Registrar can properly place them upon the register of Pharmaceutical Chemists.*—J. TIDD PRATT.

4th. The attention of Counsel is in the next place directed to the Charter, lines 237, 8, and 9; to the Act, 15th and 16th Vict., cap 56, sec. 1; and to the Bye-laws of June, 1853, sec. 6, No. 4.

Q. The Council desire to be advised whether they have the power to remove a member of the Board of Examiners during the current year for which he was elected, in the event of their considering it advisable so to do?

A. *Under the Bye-laws of June*, 1853, *sec.* 6, *No.* 4, *the Council are to appoint a Board of Examiners for each year; in my opinion, therefore, the examiners when elected are elected for one year, and though in the Charter, lines* 237, 8, *and* 9, *there is power to make a Bye-law for filling up any vacancy in case of death, &c.; but, as there is no Bye-law on the subject of removal of officers, &c., the Council have not, I think, the power to remove a member of the Board of Examiners during the current year for which he was elected, in the event of the Council considering it desirable so to do.*—J. TIDD PRATT.

5th. The attention of Counsel is in the last place directed to the code of Bye-laws made in June, 1853, and to the confirmation thereof by a Special General Meeting of the Society, and by the Secretary of State. This latter confirmation is in the following form :—

"I hereby certify my confirmation and approval of the annexed Bye-laws, "confirmed and approved at a Special General Meeting of the Pharmaceutical "Society of Great Britain, held on the 11th ult., for the space of one year from "this date, and subject to the decision of a Court of Law upon the legal questions "which have arisen or may arise in reference to any of them.

"(Signed)

"*Whitehall, 17th June*, 1853. "PALMERSTON."

It is to be noticed that the validity of these Bye-laws *has been impugned*, and that legal advice has been obtained with a view of *raising certain questions in a Court of law.*

Q. The Council desire to be advised as to the validity of the Bye-laws of June, one thousand eight hundred and fifty-three, and generally as to the course to be taken in reference thereto under existing circumstances ?

A. *By the* 15 *and* 16 *Vict., cap* 56, § 2, *the Council are authorized to make and establish Bye-laws, as they shall deem proper and necessary, for the purposes contemplated by the Charter, or that Act, provided such Bye-laws shall be confirmed and approved by a special general meeting of the members of the Society, and by one of her Majesty's principal Secretaries of State. I am of opinion that the Bye-laws of June*, 1853, *confirmed and approved by a Special General Meeting of the Members, and by the Secretary of State for the Home Department, are valid and legal, and should be acted upon by the Society, until they have been set aside by the Court of Queen's Bench. It appears to me, that as the Special General Meeting of the members confirmed the Bye-laws, without any reference to time, &c., there is no proviso in the Act which authorized the Secretary of State to limit the operation of them for the space of one year, or subject to the opinion of a Court of Law upon any legal question which may have arisen, or may arise, in reference to any of them.*—JOHN TIDD PRATT, *27th Sept.*, 1853.

The first question that will occur to your minds will, doubtless, be, What does the learned Counsel say to the Opinion of the eminent Queen's Counsel,

Mr. Bramwell? The answer is, The case was not submitted to him, nor was there any question put involving the legality of the Bye-law, Sec. xi., No. 5. If the Council had such reliance on the opinion of Mr. Tidd Pratt, how is it that they did not direct that that Case, with such amendments and alterations as they might think advisable, and Mr. Bramwell's Opinion, should be laid before him? What excuse can the Council give for this omission? Is it not, in fact, a tacit admission that they feared what Mr. Tidd Pratt's Opinion might be if too fully instructed. The second question that will occur to you is, Why should this case be submitted to Mr. Tidd Pratt at all? The Bye-laws were prepared and published under his sanction.* Is it not too much to expect a person, whose profession it is to give a legal and sound opinion, to contradict himself? Does it not occur to you also, that it would have been much more satisfactory to yourselves had Mr. Tidd Pratt's opinion been taken in consultation with some other eminent man at the bar? The Council was, by a Memorial signed by the members of Dover, respectfully requested to take other advice, but this prudent recommendation has shared the same fate as those I have ventured to offer, that is—it has been totally disregarded.†

The opinion expressed on the first two questions submitted to Mr. Tidd Pratt, will, doubtless, create great disappointment to many, but the persons affected are in a better position than those who have been actually admitted on the Register, if they have been admitted at all, for they will have saved their money, and not having assumed the title of "Pharmaceutical Chemist," cannot be called upon to renounce it.

Under the third question, Mr. Tidd Pratt is of opinion that "Chemists and Druggists who have been duly certified to be duly qualified for admission as members" can, in conformity with the Bye-law of November, 1852, be legally placed on the "Register of Pharmaceutical Chemists" without passing the Major Examination and paying the examination fees, provided they were elected members previous to the 1st of July, 1853. I do not believe that a gentlemen of Mr. Tidd Pratt's standing, if fully instructed, would have given so unsound an opinion, particularly when I notice that his attention was never called to the 12th Section of the Act. The conclusion is so illogical and absurd, that one could scarcely credit that a barrister-at-law could be got to subscribe his name to so palpable a fallacy. Mr. J. H. Lloyd, than whom, perhaps, a more safe adviser does not exist, with Mr. Tidd Pratt's opinion before him, points out that not only are all these 650 gentlemen illegally and improperly placed on the Register, if they be so placed, but the very Bye-laws themselves under which the Council are acting—namely, the Bye-laws of November, 1852—are void. The Council had no power to make such laws.

But here let me point out a contradiction.

In answer to the second question, Mr. Tidd Pratt says, "I am of opinion that the persons referred to *cannot now* be admitted subject to the payment of an annual subscription of one guinea." The question affirms that some of the parties who availed themselves of the first-mentioned Bye-law (November, 1852, No. 1) were not elected as members until after the 1st July,

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* Phar. Jour., vol. xiii. p. 5.

† See Annals of Pharmacy, vol. ii. No. xxii. p. 318, and No. xxiii. p. 252.

1853, although they applied for admission in due time, namely, before the 1st of May. The Bye-law states "that Chemists and Druggists who commenced business on their own account after the date of the Charter, and prior to the passing of the Act 15 and 16 Vict., c. 56, 30th June, 1852, and who shall, before the 1st of May, 1853, *apply to be admitted* as members on a certificate of qualification according to the terms of the Charter, shall, on production of certificates satisfactory to the Council, be registered as Chemists and Druggists certified to be duly qualified for admission as members of the Society." Now, *none* of those who availed themselves of this Bye-law *were elected* PRIOR to the 1st of July, 1853, consequently, they must have been elected *after* that date, and are, therefore, all alike excluded according to the opinion given on the second question. It will, therefore, be apparent that the answer given to the *third* question is a complete contradiction to the *second*, as Mr. Tidd Pratt states it as his opinion "that these persons have been legally elected."

The fourth question informs the Council that they have no power to remove my friend and colleague, Mr. Bastick, from the office of Examiner. When it is considered that the meeting of September last was called, ostensibly for another purpose, but in fact to obtain the sanction of the members to a resolution, to the effect that his conduct was incompatible with his position as an Examiner, and that this resolution was followed up by another issued by the Council, calling upon Mr. Bastick to make certain explanations previous to his dismissal; it would have been more prudent had they taken Counsel's opinion whether they could legally dismiss him from his office *before* they took any steps towards accomplishing such a rash design. Here is another gross blunder perpetrated by the Council, and it is a matter of curious inquiry how they will get out of the dilemma, as Mr. Bastick has denied the authority of the Council to call upon him for any "explanation," and here for once Mr. Tidd Pratt has befriended him, and I presume they will not, in this case, set at naught their "competent legal authority."

The resolution passed at the special meeting is as follows:—

"This meeting having duly considered a series of offensive attacks against the President and Council, recently published in a journal edited by William Dickinson, a member of the Council, *and William Bastick, a member of the Board of Examiners;* and having also considered the hostile course which the said William Dickinson and William Bastick have for some time pursued towards the Society, is of opinion that such conduct is incompatible with the position and functions of a representative appointed to watch over and protect the interests of the Society, or holding a responsible office."

The resolution of the Council referred to is as follows:—

"PHARMACEUTICAL SOCIETY OF GREAT BRITAIN.

"*Extract of Minutes of the Council held on the Fifth day of October*, 1853.

"Resolved,—That the explanation of Mr. William Bastick is required with regard to the following passages published in the periodical entitled 'Annals of Pharmacy,' edited by William Bastick and William Dickinson.

"'Annals of Pharmacy,' July, 1853.—*Vide* No. xix. page 210, lines 34 to 42. 'Annals of Pharmacy,' August, 1853.—*Vide* No. xx. page 243, article entitled, 'The Council and Bye-laws of the Pharmaceutical Society,' to the end.—*Vide* No. xx. page 256, answer to 'Henry Cripps, Devizes,' 'Ajax,' 'Bosh.'

"Note.—A copy of the 'Annals of Pharmacy,' Nos. xix. and xx., accompany this: the portions referred to being marked."

Mr. Bastick's reply to the above resolution is as follows:—

2, *Brook-street, November* 1, 1853.

Sir,—I beg to acknowledge the receipt of your letter of the 6th ult., calling my attention to, and enclosing an extract from the Minutes of the Council of the Pharmaceutical Society, which consists of a resolution requiring my "explanation" with regard to certain passages published in the "Annals of Pharmacy." In reply, I will thank you to inform the Council, that I do not recognise the right assumed by their resolution to demand from me any *such* "explanation."

I am, Sir, your obedient servant,

To Mr. G. W. Smith, William Bastick.
Secretary of the Pharmaceutical Society.

The next question involves two most important points. The one, whether the provisional confirmation of the Bye-laws by Lord Palmerston renders a rule, illegal in itself, binding on the Society, until it is set aside by a Court of Law? and the other, whether the provisional confirmation by Lord Palmerston of the Bye-laws amounts to an *absolute confirmation*, or whether it is *any confirmation at all?*

On the former, Mr. Tidd Pratt advises that the members are bound to submit to an illegal Bye-law, until it is set aside by the Court of Queen's Bench. This may be Mr. Tidd Pratt's law, but I am sure that the Court will not act on his opinion. I am willing to try the experiment on myself. Let the Council attempt to expel me from the Society, my subscriptions will cease; let them then dare to act on their Bye-laws, and strike my name from the "Register of Pharmaceutical Chemists," in pursuance of the Bye-law, Sec. xi. and No. 5, and I will that moment put over my shop window "Pharmaceutical Chemist." Let the Registrar put the penal clauses of the Act in force against me, and then we should see whether a Court of Law would put in force an illegal Bye-law. To have given his opinion weight, Mr. Tidd Pratt should have first shown, that the Bye-laws of 1852, and June 1853, are in conformity with the provisions of the Charter and the Act, and on subjects *contemplated* by them. This is *the* question at issue, and which should have been brought before him.

On the other point, I venture to assert that the veriest tyro in law would tell us, where a "Power" is given by any solemn document, particularly by an Act of Parliament, the power must be exercised to the letter, and any variation would be an illegal exercise of that Power. In the present case Lord Palmerston has not exercised the power vested in him by the Act, Mr. Tidd Pratt would therefore lead us to believe that an unqualified confirmation is given to them, and that the Bye-laws are binding on the members until set aside by a Court of Law. Mr. Lloyd, however, is of a very different opinion, and considers that there has been no exercise of the power, and that therefore the Bye-laws of June 1853 remain unconfirmed.

But I have, here, to complain of another gross perversion of facts. The Council state that "the validity of the Bye-laws *has been impugned*, and that legal advice has been obtained with a *view of raising certain questions in a Court of Law.*" This has reference to Mr. Bramwell's opinion—Mr. Lloyd's opinion had not then been taken, or even contemplated. It is not true that the validity of the Bye-laws was impugned, the validity of the Bye-law No. 5, Sec. xi., was the only one *impugned.* Nor was the legal advice of Mr. Bramwell taken for the object stated. The assertion is made only to throw odium on myself, and those associated with me. The opinion

was obtained *before* the Bye-laws were in force, or even submitted to the members for approval. Objections were taken by myself and others deeply interested in the question, to *one* of the proposed Bye-laws, and advice was taken, in order that the opinion might be submitted to the members at the meeting convened, to adopt or reject the then proposed Bye-laws, and to satisfy them on *really* "competent legal authority" that the Bye-law in question contemplated the perpetration of an illegal Act.

But I have hitherto treated this case and opinion as a genuine and honest production; Gentlemen, you have been deceived, it is a mere blind and a subterfuge. The Council knew that they had no power to register the 650 applicants as "Pharmaceutical Chemists." Let not those applicants delude themselves with the idea that they are duly registered as "Pharmaceutical Chemists;" and, moreover, remember that should they not be *first* duly registered as such, they cannot be registered as "Members of the Society."

I have, in my place as a member of the Council, and in presence of the Board, obtained the admission from the Registrar that these 650 gentlemen were not registered as Pharmaceutical Chemists, and I was in hope that I should have been able to prove that fact upon his written authority, by applying to him for a certificate of registration, in accordance with the seventh Section of the Act. I did so apply to him, and he confessed his inability to give me the required certificate, and begged that I would allow him time to consult the President before I accepted his answer as final. After two days' deliberation a certificate was forwarded to me, and I presume a register concocted to meet the emergency.

No, Gentlemen, it is not that the Council are anxious for you to be registered: it is Mr. Jacob Bell who requires your assistance as *members*, so that his Journal may have 650 more subscribers, and his remuneration be *pro tanto* increased.

As you are aware, a Committee was appointed to meet on the 20th September, to confer with Mr. Tidd Pratt upon certain special questions, and upon the general position of the Society.* This Committee did meet, and learnt from their legal adviser the truths which have been so studiously withheld from the majority of the Council, and which now are attempted to be kept from your knowledge, namely that the demand of a registration fee is illegal; that the Bye-laws of November, 1852, are wholly void; and, in fact, that every point which I have contended for respecting the illegal Bye-laws could be sustained in a Court of Law. To their shame it was agreed by this Committee, that this information should be carefully suppressed, and only those points published, in the form of a Case, with an Opinion thereon, which would place the Society in a better pecuniary position, and which had not been previously raised by their critics. To their shame, it was arranged that the Bye-laws should be fully carried into effect, as if they were unconscious of their illegality, and that they should not be roused from their assumed unconsciousness until forcibly dragged into a Court of Law, and convicted of illegal proceedings. I have received this account of what transpired at this Conference from a person who was present, and appeal to the several gentlemen who formed that committee, for a corroboration of

* Phar. Jour. vol. xiii. p. 201.

it. Every candid mind will revolt at being made a participator in such "humbug;" and it would be an instructive lesson to know by what causistry such a mind reconciles itself to an unexpressed disgust at these proceedings; for I cannot entertain the belief that the majority of this Committee were willing or knowing instruments in the duplicity described.

I now subjoin the case submitted to Mr. J. H. Lloyd, and his opinion, taken in the absence of Mr. Bramwell in America.

MR. J. H. LLOYD'S OPINION ON THE BYE-LAWS OF THE PHARMACEUTICAL SOCIETY, WITH CASE SUBMITTED.

Case.

The Pharmaceutical Society was instituted in the year 1841, for the purpose of uniting the Chemists and Druggists of Great Britain into an ostensible and recognised body, having for its object the protection of their general interests, and the advancement of the practice of Pharmacy, by furnishing such an uniform system of education as should secure to the profession and the public the safest and most efficient administration of medicine. It consisted of members, paying an annual subscription of £2 2*s.*, and associates, paying £1 1*s.*, and its affairs were conducted by a Council of Members, under the provisions of a code of Bye-laws.

On the 18th of February, 1843, a Royal Charter was obtained, whereby the petitioners therein named, and the other then existing members of the Society, together with the future members, to be approved according to the Bye-laws thereafter to be framed, were incorporated by the title of the "Pharmaceutical Society of Great Britain." Amongst other things, the Charter provided—

That the Society should consist of persons who should be called members thereof, and that such members should be—First, Chemists and Druggists who had been established on their own account at the date of the Charter. Secondly, Persons who should be examined in such manner as the Council of the Society should direct or be certified to be duly qualified for admission; or, thirdly, Persons who should have been elected as Superintendents by the Council. All of which members should subscribe to the funds of the Society in such manner as should be prescribed by its regulations.

That there should be admitted to all the privileges and benefits of the Society, except the right of attending its general meetings, persons to be called Associates, to consist of Assistants to Chemists and Druggists, Apprentices and Students in Pharmacy and Chemistry, having first been examined and certified to be duly qualified—who should also subscribe to the funds of the Society in manner to be prescribed.

That the affairs of the Society should be managed by a Council.

That the Council, or such persons as they should think fit to appoint, should have power to examine and decide upon the admission or rejection of members, and to grant diplomas to such persons as they should deem qualified to become members of the Society.

Also, that the Council should have power to make Bye-laws for regulating the affairs of the Society, the admission and removal of members, associates, &c., for ascertaining the qualifications of persons to become members, associates, &c.; and the sums to be paid by them respectively, whether upon admission or otherwise, towards carrying on the purposes of the Society; and such Bye-laws from time to time to alter or revoke, and make new Bye-laws, so that the same should not be repugnant to the provisions of the Charter or the laws of the realm.

Up to this period it will be observed that the Society was simply a voluntary Association, and the Charter in no way affected the general body of Chemists and Druggists.

In June, 1851, the Council made and published a code of Bye-laws, hereinafter designated 'the Bye-laws of June, 1851."

By these Bye-laws it was provided—

Sec. 1, No. 1,—That all persons desirous of becoming members, except asso-

ciates admitted prior to the 1st July, 1842, and Chemists and Druggists established on their own account at or prior to the 18th February, 1843 (the date of the Charter), should pass an examination to be styled the "major examination."

Sec. 1, No. 2,—That associates admitted prior to the 1st July, 1842, should be eligible to be admitted as members, on producing such certificates of qualification as should be required by the Council, in conformity with the provisions of the Charter.

Sec. 1, Nos. 3 and 4,—That all Chemists and Druggists established on their own account at or prior to the 18th February, 1843, might, on being approved by the Council, be elected members of the Society.

Sec. 1, No. 5,—That every person elected as last mentioned, should, in addition to the annual subscription of a member, pay an entrance-fee of £2 2*s*.

Sec. 1, No. 8,—That persons having passed the "major examination," on producing the certificates of qualification above referred to, and being approved by the Council, should be elected members of the Society.

And, by Sec. 2, Nos. 1 and 2,—The annual subscriptions of town members are fixed at £1 11*s*. 6*d*.; country members at £1 1*s*. But, by these Bye-laws, no fee was fixed for payment on examination.

Under these Bye-laws, therefore, three classes of persons are declared eligible to become Members of the Society, namely, persons passing the major examination; associates of the Society admitted prior to the 1st July, 1842, and complying with Sec. 1, No. 2; and Chemists and Druggists established on their own account at or prior to the 18th February, 1843, and complying with Sec. 1, Nos. 3, 4 and 5. The last having to pass no examination, but being required to pay an entrance-fee of £2 2*s*., in addition to their annual subscription as members.

In the following year the Society succeeded in obtaining an act of Parliament, the 15th and 16th Vict., c. 56, which received the Royal assent on the 30th of June, 1852.

It is especially important, in reference to the present case, to note the purposes of this Act, as recited in the Preamble—namely, "the preventing of ignorant and incompetent persons from assuming the title, and pretending to be Pharmaceutical Chemists, or Pharmaceutists, or members of the Pharmaceutical Society, and for giving additional powers for regulating the qualifications of the persons who might carry on the business of Pharmaceutical Chemists." The principal object and intention of the act, in strict accordance with the professed purposes of the original Society, and afterwards of the Charter, therefore, was to make provision for the due qualification of persons who might thereafter carry on the business of Pharmaceutical Chemists, both as a protection to those Chemists and Druggists who should have duly qualified themselves to carry on a business requiring a careful, practical, and scientific education, as well as to the public. And this object it was proposed to attain by requiring all persons thereafter intending to practise as Pharmaceutical Chemists to undergo the test of an examination. And, from this positive requirement, *the only exception* would appear to be in favour of existing members of the Society at the date of the act, so as to prevent it from having a retrospective effect.

By Section 1 of the Act the Charter was confirmed, except so far as altered or repealed by the Act.

By Section 2 the Council was empowered to alter and amend the Bye-laws of the Society, made in pursuance of the Charter, and to make new or additional Bye-laws, as they should deem proper for the purposes *contemplated by the Charter or the Act*, provided that all such original Bye-laws, and all altered, amended, or additional Bye-laws, should be approved by a Special General Meeting of the Members of the Society, and by one of Her Majesty's principal Secretaries of State; and provided also that the then existing Bye-laws should continue in force until the then next Annual Meeting of the said Society, to be held in May, 1853.

By the 4th section the Council was directed to appoint a Registrar.

By Section 5 the duties of the Registrar were defined to be, "from time to time to make and maintain a complete register of all persons, *being members of the Society*, and Associates, Apprentices, and Students, according to the terms of

the Charter, and all such registers and other books as might be required by the Council, and be necessary for giving effect to the Bye-laws and the provisions of this Act."

By Section 6 it is enacted, that "all such persons as shall *at the time of passing of this Act* be Members, Associates, Apprentices, or Students of the said Pharmaceutical Society of Great Britain, according to the terms of the said Charter of Incorporation, shall be registered as Pharmaceutical Chemists, Assistants, and Apprentices, or Students respectively."

By Section 8, the Examiners, appointed in pursuance of the Charter, or the Bye-laws thereof, or under this Act, are empowered to examine all persons who should present themselves to be examined under the provisions of the Act; and to grant or refuse them certificates of competency to exercise the business of a "Pharmaceutical Chemist."

By the 10th section it is provided that every such person who should have been so examined as aforesaid, and have obtained a certificate of qualification, should be *entitled to be registered* by the Registrar according to the provisions of the Act, upon payment of such fee or fees as "*shall be* fixed by the Bye-laws;" and every person duly registered as a Pharmaceutical Chemist is declared eligible to be elected as a member of the said Society according to the Bye-laws thereof.

By the 12th section it is provided that from and after the passing of this Act it should not be lawful *for any person* not being duly registered as a *Pharmaceutical Chemist*, according to the provisions of the Act, to assume or use the title of a Pharmaceutical Chemist, or Pharmaceutist, in any part of Great Britain, or to assume, use, or exhibit any name, title, or sign, implying *that he is registered under this Act*, or *that he is a member of the Society*, under a penalty of £5.

The remaining sections do not affect the points in the Case.

The Act, it will be observed, first introduces or recognises the title of "Pharmaceutical Chemist" or "Pharmaceutist," and distinctly points to two classes of persons, "Members of the Society" and "Pharmaceutical Chemists" or "Pharmaceutists," the latter being evidently designed to meet the case of such persons as should undergo the required examination and obtain their certificate of competency to practise as Pharmaceutical Chemists, but might not be desirous of becoming members of the Society. And it was made compulsory upon *all persons*, with the sole exception of Chemists and Druggists who were members of the Society at the time of the passing of the Act, who should desire to be registered and assume the title of Pharmaceutical Chemists, to undergo an examination, and pay such fee or fees as SHOULD be fixed by the Bye-laws

It may also be mentioned, that it was originally intended by the Act to extend the benefit of registration to all Chemists and Druggists in business at the date of the Act, and to place them on the Register of Pharmaceutical Chemists. But these provisions were struck out in Committee.

Immediately on the passing of the Act the Council proceeded to canvass the Chemists and Druggists throughout the country, offering to those who had commenced business on their own account after the date of the Charter, and prior to the date of the Act, and who should make application before the 1st of May, 1853, to admit them as Members of the Society, on production of certificates or on passing a more lenient examination than subsequent applicants, and on payment of an entrance fee for country members of £3 3*s.*, and for town members of £3 13*s.* 6*d.* The fee to be imposed on applicants after the 1st of May, 1853, under the new Bye-laws which had been prepared to take effect after that date, having been fixed at £10 10*s.* The Council subsequently prepared and obtained the confirmation by a General Meeting, and by the Secretary of State on the 3rd November, 1852, of the following Bye-laws, afterwards called "the Bye-laws of November, 1852."

By the first of these Bye-laws it was declared that Chemists and Druggists who had commenced business on their own account after the date of the Charter, and prior to the passing of the Act 15 and 16 Vict. cap. 56 (30th June, 1852), and who should before 1st May, 1853, apply to be admitted as members by certificate of qualification, according to the terms of the Charter, should, on production of certificates satisfactory to the Council, be registered as "*Chemists and Druggists*

certified to be duly qualified for admission as members of the Society," but that after the day of the annual meeting of the said Society in May, 1853, the register would be closed, after which time the persons so registered should be admitted as members of the society on payment of *the entrance fee, and the subscription for the current year*.

By the second it was declared that Associates of the Society admitted prior to the 1st day of July, 1842, should be admitted as Members of the Society on the production of certificates satisfactory to the Council.

These Bye-laws it will be observed make no reference to the "Register of Pharmaceutical Chemists," but simply offer on production of the required certificates to register as "*duly qualified for admission as members of the Society*," Chemists and Druggists who commenced business on their own account after the date of the Charter, and prior to the passing of the Act.

In consequence of this invitation, many gentlemen who had neither been associates of the Society prior to 1st July, 1842, nor established in business prior to the 18th February, 1843, but who had commenced business between the latter date and the passing of the Act, have applied to be admitted as members of the Society, and were elected, and have been placed on the "Register of Pharmaceutical Chemists," not merely on a more lenient examination, but even, in many instances, on no examination at all, on payment by country members of a fee of three guineas, and town members of three guineas and a half, instead of examination fee of £10 10*s*., and life subscription of £5 5*s*., required by the Bye-laws subsequently passed in pursuance of the Act which will be presently adverted to.

The new code of Bye-laws to supersede those of 1851, which would cease to be in force after the 1st of May, 1853, was submitted to and approved at a Special General Meeting of the Members, held the 11th May, 1853; and on the 17th of June following, received the provisional sanction of Lord Palmerston.

Section 1 of these Bye-laws has reference to the qualification of *members of the Society*, their admission, and the subscriptions and fees to be paid by them.

No. 2 declares that "*Chemists and Druggists* who had commenced business on "their own account after the date of the Charter, and prior to the passing of the "Act, and who had been registered as *Chemists and Druggists, certified to be* "*duly qualified for admission as members*, should be admitted AS MEMBERS on "payment of the *Entrance-fee and the Subscription for the current year*. And "that no person whose name should not be included in the said register, unless "an associate within the meaning of No. 3, should, after the Annual Meeting to "be held in the month of May, 1853, be admitted as a *member of the Society* "except in the manner provided in the tenth clause of the Act."

This Bye-law appears to have been framed for the purpose of carrying into effect the Bye-laws of November, 1852.

No. 3 declares that "associates of the Society, admitted as such prior to the "1st day of July, 1842, should be admitted as members of the Society on the "production of certificates satisfactory to the Council."

No. 6, "that *Pharmaceutical Chemists* registered under the 10th clause of the "Pharmacy Act, should, on admission as members [of the Society], pay the sum "of £5 5*s*. as a life subscription."

No. 7, "that all members being such prior to the 1st day of July, 1853, not "being life members, should pay an annual subscription or registration-fee of "one guinea, or in lieu thereof the sum of ten guineas as a life member's sub-"scription."

No. 12 fixes the annual subscription or registration-fee of all members [of the Society] at one guinea which may be commuted for a single payment of ten guineas.

The 10th Section of these Bye-laws regulates the Boards of Examiners and the examinations, major and minor, and the examination-fees. And by No. 11 the fee to be paid by all candidates (not having been previously registered as assistants) passing the major examination, to entitle them to be registered as *Pharmaceutical Chemists*, is fixed at ten guineas. Registered assistants having previously paid a fee of five guineas, are subsequently required to pay the further fee of five guineas on passing the major examination.

Thus it will appear that all members of the Society, having been such prior to the 1st of July, 1853, are required to pay an annual subscription of one guinea or a life subscription of ten guineas; and that Pharmaceutical Chemists, registered under Section 10 of the Act, having paid ten guineas on registration, shall on admission as members of the Society, pay five guineas as a life subscription.

Questions have arisen as to the power of the Council either to admit the applicants who came forward in answer to the invitation of the Council above referred to, on the register of members without complying with the requisitions of the 10th section of the Act, or to place their names on the Register of Pharmaceutical Chemists without passing the major examination, and paying £10 10*s.*, the fee prescribed by the Bye-laws of June, 1853, Section 10th, No. 11.

The Bye-laws of June, 1853, though carried at the General Meeting of the Members in May last, created great dissatisfaction. When they were submitted to Lord Palmerston for his sanction, he was waited upon by a deputation from the Council and another from the dissentient Members, the result of which was that his lordship gave the Bye-laws only the following provisional confirmation:—

"I hereby certify my confirmation and approval of the annexed Bye-laws, con-
" firmed and approved at a Special General Meeting of the Pharmaceutical Society
" of Great Britain, held on the 11th ult., for the space of one year from this date,
" and subject to the decision of a court of law upon the legal questions which have
" arisen, or may arise, in reference to any of them.

" (Signed)

" *Whitehall, 17th June*, 1853. " PALMERSTON."

It has been contended, on the part of the Council, "that, as the Special General Meeting of the Members confirmed the Bye-laws without any reference to time, &c., there is no proviso in the Act which authorized the Secretary of State to limit the operation of them for the space of one year, or make his sanction subject to the opinion of a court of law upon any legal question which may have arisen, or may arise, in reference to any of them," the confirmation of Lord Palmerston, therefore, is, in fact, an *absolute* confirmation of the Bye-laws, and may be acted upon until set aside by the Queen's Bench; while, on the other hand, it is contended that the Bye-laws remain still unconfirmed.

The Charter; the Bye-laws of June, 1851; the Act of Parliament 15 and 16 Vict. cap. 56; the Bye-laws of November, 1852; the Bye-laws of June, 1853; Case laid before Mr. Bramwell and his opinion; and a Case prepared by the Council of the Pharmaceutical Society, and Mr. Tidd Pratt's opinion, are left herewith.

The Editors of the "Annals of Pharmacy," having received numerous communications from subscribers and others, requesting information on the powers of the Council.

Counsel will please to advise,

1. Whether the Charter or Act of Parliament empowered the Society to make Bye-laws to the effect of the Bye-laws No. 1 and 2 of November, 1852.

2. Presuming such Bye-laws to be regular, whether the Council can place on the "*Register of Members*" of the Society the persons in these Bye-laws referred to, and who have been registered "as Chemists and Druggists certified to be duly qualified for admission as members," without requiring such persons to pass the major examination required by the Bye-laws of June, 1851, and June, 1853?

3. Whether the Council can legally place such persons on the "*Register of Pharmaceutical Chemists*" without such persons passing the major examination, and paying such a fee on such examination as should be fixed by the Bye-laws to be made in pursuance of the 10th section of the Act?

4. Whether the applicants, "who were neither associates of the Society prior to the 1st July, 1842, nor established in business *prior to the 18th February*, 1843, and who have been elected members of the Society in conformity with the Bye-laws of November, 1852, and placed on the register of "Pharmaceutical Chemists," are legally placed on such register?

5. If the above questions be answered in the negative, whether all such persons, before they can be legally placed on the register of Pharmaceutical Chemists, are

not obliged to conform to the Bye-laws of June, 1853, and pass the major examination, and pay on such examination a fee of ten guineas, and a further fee of five guineas on being admitted as members of the Society, or what other fee?

6. Should such registration be illegal, how is a member of the Society to proceed to obtain the removal of such name from the "register of Pharmaceutical Chemists" or the "register of members?"

7. Whether under the circumstances above stated it was competent to the Secretary of State to confirm the Bye-laws of June, 1853, for the limited period of one year; and if so, whether they will not, after the expiration of that term, require to be reconfirmed by a Special General Meeting of the Members and one of her Majesty's principal Secretaries of State? or whether in fact the Bye-laws do not now remain unconfirmed?

Opinion.

I. I am of opinion that the Bye-laws of November, 1852, were not legally made, and have no force or validity.

The Pharmacy Act passed on the 30th of June, 1852. There is, in the 2nd Section of that Act, a proviso that the existing Bye-laws of the Society—that is to say, the Bye-laws existing and in force on the 30th of June, 1852—shall continue in force until the next annual meeting of the Society, to be held in the month of May, 1853. In the face of this express enactment, I do not see how it can be contended that the Council of the Society was competent to alter or add to the existing Bye-laws in the interval between the passing of the Act, and the annual meeting of May, 1853.

But even supposing it were competent to the Council to have made new or additional Bye-laws, or to have altered the existing Bye-laws in the interval before mentioned, it is quite clear that after the passing of the Act they could not make any Rules, Regulations, or Bye-laws, which were inconsistent with the provisions of the Act, or of the Charter, as controlled and varied by the Act. And I am of opinion that the so-called Bye-law, No. 1, of November, 1852, is *inconsistent* with the intent and provisions of the Pharmacy Act. As I read the Act, it is intended that thenceforth all persons registered as members of the Society will be entitled to the name and privileges of Pharmaceutical Chemists; and two classes of members are distinctly pointed out—namely, *first*, those who were already registered *at the time of the passing of the Act;* and, *second*, those who shall have passed the examination, and have obtained the certificate of qualification prescribed by the Act, who shall, moreover, have paid such fee or fees as *shall be fixed by the Bye-laws*, and shall thereupon have been duly registered as Pharmaceutical Chemists; and who being thus rendered eligible, shall have been elected members. So that, since the passing of the Act, although a person having passed the Major examination, and paid the fee prescribed by the Bye-laws, is entitled to be registered as a Pharmaceutical Chemist, (but is not, of necessity, a member of the Society, though eligible to be so), yet any person who is a registered member of the Society would be entitled to the name and privileges of a Pharmaceutical Chemist. Now, the effect of the Bye-law No. 1., of November, 1852, is to qualify for admission as members, and therefore as registered Pharmaceutical Chemists, a class of persons who were neither members at the passing of the Act, nor persons qualified to become so under the provisions of the Act, and such Bye-law, therefore, as it seems to me, was *ultra vires*, and wholly void.

II. I cannot assume the Bye-law to be regular because it impliedly excludes the necessity of such examination as contemplated by the Act. Whereas my opinion is that no person can be admitted as a member of the Society (not being a member at the date of the Act) who has not passed such examination.

III. I am of opinion that the Council cannot legally place on the register of Pharmaceutical Chemists any persons not having been members of the Society at the date of the Act, who shall not have passed the examination and paid the fee prescribed in virtue of the 10th Section of the Act.

IV. It follows from what has been already said, that in my opinion the persons referred to in this query have not been legally placed on the register, and are not entitled to the name or privilege of Pharmaceutical Chemists.

V. I am of opinion that such persons, before they can be lawfully registered as Pharmaceutical Chemists, must pass the Major examination and pay the prescribed

fee of *ten guineas;* and that, before they can become members of the society, they must also pay the further fee of *five guineas.*

VI. There is some difficulty in advising as to the course to be pursued for causing the removal from the register of persons unduly and illegally placed thereon. The penalty for an unlawful assumption of the title, *it seems,* would be recoverable only by plaint at the suit of the registrar; and, under the particular circumstances of the case, the remedy would seem to be ineffectual. But I am disposed to think that a *mandamus* would lie to the council to expunge the names. If this should fail, it may be contended that, although *power* is given to the registrar to sue for the penalty, yet, this does not exclude a suit by any other person, and the experiment of such suit may be tried. I think also that an *information* would lie at the suit of the Attorney General, against persons assuming the title of Pharmaceutical Chemists without lawful authority. This matter, however, will require further consideration, if any proceeding should become necessary.

VII. I entertain very considerable doubt whether the qualified and limited confirmation and approval of the Bye-laws of 1853, by Lord Palmerston, is in legal effect a confirmation at all. The confirmation is given in the exercise of a power conferred by the legislature, and must strictly follow the power. If a confirmation for a year would be good, so would a confirmation for a month or a week; and it appears to me clear that the Secretary of State has no power to attach any such limitation; *but I do not think that, therefore, the limitation must be rejected, and the confirmation be taken as absolute.* It rather appears to me that the limitation destroys the efficacy of the confirmation.

Upon the points submitted to Mr. Bramwell, I entirely concur in the opinion given by him, a copy of which is before me.

(Signed) J. H. Lloyd.

1, King's Bench Walk, Oct. 24, 1853.

Solicitors—Messrs. Prichard and Collette, 57, Lincoln's Inn Fields.

It is said that the "last straw broke the camel's back," but it is also said that a "drowning man will catch at a straw!"

In the original case, in reciting the Charter (par. 3, line 5,) by a clerical error the word "and" was by accident substituted for "or." A quibble has been raised on these words, by which it was endeavoured to be argued that the whole force of the case rested on the word "or." The Council by virtue of the Charter, it was contended, had power to admit Members on "Examination," *or* on "certificate" of qualification, and on passing the Bye-law of Nov. 1852, No. 1, they have availed themselves of the latter alternative, and assert that if the Case had been properly stated, Mr. Lloyd would have advised differently. It became necessary, therefore, to submit the Case again to Mr. Lloyd, drawing his attention to the above point. The following is Mr. Lloyd's further opinion.

FURTHER OPINION OF MR. J. H. LLOYD.

"In giving my opinion against the validity of the Bye-law of Nov. 1852, No. 1, and the legality of the admission of members in virtue of that Bye-law, I carefully considered the language of the Charter as regards the qualification for admission, referring to the printed copy, and not to the statement on the Case. My conclusion rests on grounds quite irrespective of the particular passage adverted to, and the error as to the substitution of the word "and" for "or" does not in any way affect it." . . . .

J. H. Lloyd,
1, King's Bench Walk, 4th Nov. 1853.

The other part of Mr. Lloyd's further opinion gives a more precise answer to the sixth question, wherein he states amongst other things "that any of the persons who have paid the fees on the assumption that they have

become entitled to the name of Pharmaceutical Chemist, and the privileges attaching to such name; can claim to receive back, and, if necessary, bring actions to recover the money so paid."

This Case is so clearly stated, and the Opinion so precise, that I need make no further comment on the subjects touched upon than to observe, that the following five vital points are involved:—

1. That as the Bye-law, Sec. xi., No. 5, contemplates an illegal act, it is therefore illegal and inoperative.

2. That the Bye-laws of November, 1852, are wholly void.

3. That the persons placed on the "Register of Members," and of the Register of Pharmaceutical Chemists, in conformity with, or in pursuance of, the Bye-laws of November, 1852, have been illegally and wrongfully placed on such Register.

4. That all such persons named in the so-called Bye-law of November, 1852, No. 1, must pass the Major Examination, and pay a fee of 10*l.* 10*s.*, previously to being placed on the Register of Pharmaceutical Chemists, and a further fee of 5*l.* 5*s.*, before they can be placed on the Register of Members of the Society.

5. That the Secretary of State, having no power to give a qualified confirmation to the Bye-laws of June, 1853, his letter of the 17th of that month amounts to no confirmation at all, and that the Society, therefore, now remains without any Bye-laws.

Such is the unfortunate position of affairs in which the Council, out of obstinacy, have involved the Society, and, because I have, in my place at the Board, considered it my duty to warn and protest, I have been denounced as a "traitor" to the Society, my warnings termed "disgraceful exhibitions of treachery and discord," and my object declared to be to "subvert and ruin the Society."

Gentlemen, I feel assured on this candid statement of facts, you will admit that the greatest enemies of the Society are the Council, who—with a full knowledge of their position, and in the face of repeated warnings—have brought us all into apparently inextricable difficulties.

But the whole question and its details is susceptible of a speedy and satisfactory adjustment, which I am prepared to show should I be called upon to do so.

III. Having thus dismissed the subject contained in the first part of the resolution of the 5th of October last, I wait the receipt from the Council of the specific charges, embodied in the term "systematic opposition to the decisions of the Council;" and I now proceed briefly to notice the second part of the resolution, namely, that referring to the sentiments expressed by me in the "Annals of Pharmacy," in the capacity of Editor of a journal.

It will be seen that in my reply to the Council I have denied their assumed right to call me to an account, or to require from me any explanation, and I have declined on public grounds to give it. I have contented myself with the assertion at the meeting of September last, that I was prepared to prove the truth of every statement before a proper tribunal. This invitation, made in the capacity of a member of the Society at a Special General Meeting, being declined, I did not feel called upon

to tender any further explanation to the Council. But as there are others —namely, yourselves—who would judge the Council with much more right than *they* possess to question *my* proceedings, and feeling that you, as members of the Society, might misconstrue the motives of my silence, I think it prudent—out of respect to you, and in justice to myself—to supply some materials upon which you may more correctly form that judgment.

In noticing this part of the resolution it must be distinctly understood that I do so upon the condition that such notice shall not prejudice my right hereafter to appeal to a proper tribunal against the right assumed by the Council to demand any explanation from me, and against any ulterior proceedings which they may think proper to adopt arising from that assumed right.

I beg that you will not misinterpret the motives which have induced me to make this protest, for I do not enter my protest against this resolution and the proceedings of the Council, because I fear the power of the Council, even if they really possessed the power which I consider they have unjustifiably assumed; but because, if necessary, the constitutional privilege of every Englishman shall be vindicated in my person as a lesson to those who, failing or being unable to falsify the strictures of the press on their conduct, have resorted to measures well studied and practised by the petty tyrants of foreign states to silence their accusers when they cannot rebut their accusations.

I have no desire to criticise the language of the resolution, or to take exception to words; but I would ask, What do the Council wish me to infer by the word "explanation?" Do they pretend by the use of this word that the meaning of the passages in the "Annals of Pharmacy," referred to by the resolution, is obscure or unintelligible? If so, why do they not distinctly say as much? Or do they wish me to infer that an apology is required? If this be the case, then, waiving my irresponsibility to them as the Council of a public institution, I challenge them to show that any of the paragraphs cited in the resolution from the "Annals of Pharmacy" are devoid of truth, or are even exaggerated statements. If they will not venture to accept this challenge, how dare they, in these times, demand by implication an apology from me for the truth? Why did they not accept the proposition of Mr. Fells,* made at the Special General Meeting on the 6th of September last, to appoint a Committee of independent persons to investigate and report upon the charges contained in the "Annals of Pharmacy," which have given so much offence? Let the Council answer this question honestly and as speedily as they can, for they must bear in mind that they, as well as I, stand at the bar of public opinion. By stigmatizing me, or by presuming to act in the threefold character of judge, jury, and accuser, or by shrouding themselves from public scrutiny behind their official position, they must not flatter themselves that they will escape that justice or the want of it which they would measure out, and have so liberally measured out, to me. The fact is, the Council do not desire inquiry; they want vengeance; but in this respect they will be disappointed, as they know

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* Phar. Jour., vol. xiii. p. 160.

full well, for their power to inflict vengeance is very circumscribed. Yes, circumscribed, not by my strength or by their inclinations, but by their unjustifiable, undignified, unconstitutional, and illegal conduct.

When this resolution was passed — knowing, as they did, that they would receive no apology or "explanation," as they have designated it, from me, for the reasons already stated—they expected that which they could only expect if I noticed their demand at all, namely, a justification, or, as one of the Council has politely termed it, some of my "insolence." Knowing these things, they have adopted the mockery of a trial, that they might, with seeming justice and impartiality, gratify the most despicable passion of human nature. However, they must pardon my "insolence" if I say that I forgive them, for I know that the machinations which have urged them to this course are not shared in by a majority of their body. They must pardon my "insolence" if I tell them that they are suffering from a species of tyranny of which, however disguised, they are painfully sensible, and from which they would gladly escape, but which they have too little combativeness to crush. They must excuse this plain speaking of a "traitor" and an "enemy," and remember that those in power generally learn the truth more fully and readily from their "enemies" than from their so-called friends.

Myself and others have been charged "with recklessly disregarding the important objects for which the Pharmaceutical Society was formed,"* which charge I, on my own behalf, have denied, and now dare them to the proof. But, perhaps, they do not intend this charge to be taken in its literal meaning. Perhaps they wish it to be understood that I have denounced, to the best of my ability, a compact entered into by the Council with one of their own colleagues, by which that individual is enabled, from the connexion thus established with the Society, to realize many hundreds of pounds annually. Perhaps they mean that I have opposed the conferring of a *position* on a member of the Council, by which he is enabled publicly to slander every member of the Society who opposes his will or attempts to thwart him in his purposes; and which position he avails himself of to intimidate the Council. Perhaps they mean that I have exposed the nepotism which pervades the Society, by virtue of which several of the most important offices of the Society are filled by the ex-employed of one of the Council, and so filled as to expose them to the ridicule of the pupils of their own school. Perhaps they mean that I have warned the members that, when one member of the Council who has fattened on the resources of your, and I may say at present my, Society, professing extraordinary zeal in its behalf; yet always, with the same professed reluctance, whining over the losses which he has experienced, and the sufferings which he has undergone in its service, is no longer able thus to fatten and to suffer; that you, the members, will discover and appreciate those who have been the real and unostentatious friends of the Society. Perhaps they mean that I have charged a majority of the Council with allowing abuses to exist, from which that majority have derived no benefit, but much odium; and who, therefore, cannot plead the excuse of even self-preservation for their conduct; when, if they had had the moral courage, they might, by their numbers, have rescued the Society from those evils which are destroying

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* Phar. Jour. vol. xiii. p. 145.

its sphere of usefulness and bringing it into contempt. Perhaps they mean that I have published to the world that there are not three independent men amongst them, because they know that they owe their position, as members of the Council, to the influence of one man, aided by their own servants, who are his nominees; and that, if they were to act independently of him and them, they would be driven ignominiously from the offices which they enjoy, as they are now endeavouring to expel me; but that, if they were to stand up courageously for their rights, they would soon reduce to subjection *their* petty tyrant.

Perhaps these things are the true interpretations of the slanders which the Pharmaceutical Journal has circulated for the benefit of the Council and myself. But if these interpretations be not correct, I challenge the Council to specify their charges against me, and if they do not do so, I shall be justified in the eyes of all impartial men in charging them with conniving at, aiding and abetting, one of their own body in attempting to blast my reputation in the minds of the members of the Society, and the public generally. However, if these interpretations be correctly given, I hesitate not to avow that I have been guilty of them.

The conduct of the Council respecting the illegal Bye-laws will form one of the darkest pages in the history of the Society, and although I know that many of them regret that they have allowed their credulity to be imposed upon by less worthy and more designing men, with reference to their legality; still I cannot but rejoice that a humble individual like myself, conjointly with others, should have been mainly instrumental in bringing such an abuse to light. The satisfaction of having so acted is more than compensation for all the annoyance and labour which my opponents have, perhaps, often unwittingly, caused me to undergo. The Pharmaceutical Society, however imperfect, has the elements within it of a most valuable institution, and consequently does not require to be supported by subterfuge, or false pretensions, or endeavours to outwit Acts of Parliament, even if such support were justifiable. It will live in spite of their mistaken proceedings. It will live by its merits, through which alone it deserves to live, for evil must ultimately succumb to good. It will live, if there be any truth in the teachings of experience, to prove that men, in all probability no better than the present Council, but happily having no motive to deceive, tried to save the Society from the designs of the ambitious and the crafty, for a long time unsuccessfully, and amid much contumely, but ultimately their endeavours prevailed.

Doubtless, the Council will not thank me for such an "explanation," but let me remind them that it is they who have forced it from me, and not I who have volunteered it. I feel no wish to treat them with any discourtesy, but as I am of necessity compelled to make my explanation a justification, and not an apology, I feel that I must have expressed myself often in a manner that I could wish to have avoided; and, moreover, it must be remembered that I write this "explanation" not merely for their perusal, but also for that of the members at large, who, from the grossly garbled manner in which my statements, as well as those of other members, at the Special Meeting, were reported in the Society's Journal, without the concurrence of the Council as a body, must think that I am unable or unwilling more fully to vindicate my conduct. From the experience the Council must have had of the art of applying epithets and distorting facts in their

own Journal, I think they might with propriety have commenced their salutary proceedings against the public Press with the purification of that unscrupulous periodical. I think that their denunciations would have been more telling, and that the expression of their horror of strong language would have appeared more sincere, had they controlled the license of a Journal which ought to be a model of propriety, emanating, as it is supposed to do, from the Council of a Scientific Institution. But no, they have one law for their opponents, and another for their partisans. The latter may be "treacherous," but I must not. They may desire a Royal College of Pharmacy,* and boast that for years they have unsuccessfully laboured to accomplish their desire, and thus to supersede the Pharmaceutical Society; but I am to be held up to execration if I venture to hope that such an Institution will be established, or to announce the probability of such an event. In all other matters appertaining to the Society, the Council have instituted a monopoly; they claim one now even for treachery, and they are welcome to the advantage, but after this let not the Council stigmatize me as a "traitor" to the Society.

Further, to bring me into disrepute with the members, the President at the last public Meeting wished to make it appear that I had "charged the Council, by implication, with appropriating the funds of the Society to their own private advancement."† I most indignantly repudiate such an assertion, nor can such a sentiment be drawn, even by implication, from any one of the articles in the "Annals of Pharmacy," and I declare that I never intended to insinuate such an accusation. But what I do assert, and am prepared to prove, is, that the funds of the Society have been misapplied, money has been improperly expended, salaries which are exorbitant paid to certain officers, large sums paid for the supply of a journal to the members, the private property of one member of the Council, which money, if judiciously managed, would cover the expenses of the publication of the Transactions, which would be the exclusive property of the Society.‡ It was a base and unmanly attack made against me to damage my reputation in your eyes, and to fix me with one point at least on which the Council could sustain an action for libel. But at the Meeting I denied the imputation, and I here repeat the denial.

Having briefly passed under review in this "explanation" every important point, save one, contained in the passages from the "Annals of Pharmacy" pointed out in the Resolution, concerning which it only remains for me to express my regret. After the unequivocal avowal at the Special General Meeting by the President and the Vice-President of your Society that a letter bearing reference to the Bye-laws was really indited by them, I, on my own as well as on my colleague's behalf, do retract the imputation published in the "Annals of Pharmacy," implying that such was not the case. I could show, if I did not wish to avoid dimi-

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* Phar. Jour., vol. xiii. p. 164. † Phar. Jour., vol. xiii. p. 153.

‡ I might inquire here, what would the Members of the Society say if Mr. Bell withdrew his Journal from the Society out of pique or other motive? Should we not make ourselves independent of him and his Journal, which has now become his private property, and establish one of our own, thus rendering such an alternative impossible?

nishing the force of my explanation on this point, that from the experience which I have had of the manner in which the business of the Society is conducted by your Council that before the above avowal was uttered there were ample grounds to justify the opinion expressed in the "Annals of Pharmacy;" and I have only to add, that I should have made this acknowledgment at the last Meeting had it not been palpably evident that *a* riotous *majority* of that Meeting* was assembled for the purpose of deciding on a foregone conclusion, and were ready to strike but not to hear, and consequently that an apology expressed *then* would have been unsatisfactory and cowardly, because it would have appeared to have been extorted by an attempt at intimidation on the part of a disorderly Meeting whose feelings, I conceive, had been ungenerously excited by some Members of your Council.

Having thus, as one of your representatives, fulfilled my duty in tendering this "explanation," which I do only out of respect to the Members at large, I leave my case in your hands, that you may judge how far my colleagues in office are justified in endeavouring to remove me from the Council. I am willing to abide your wishes and decision. If you, however, consider that I am justified in the course I have taken, I rely on your active co-operation,† not so much to retain me in a position which the Council have rendered far from agreeable to myself, and which I should have long since vacated, but for the petty tyranny and overbearing assumption of one of the Board; but that through me, you may vindicate the right of every Member of our Society to express, fearlessly, his opinions. For I hold that when such opinions are the result of careful deliberation, and based on sincere and honest convictions, and supported by the highest legal authority in the country, that they should be maintained with energy and without hesitation.

I am, Gentlemen,
Your most obedient servant,
WILLIAM DICKINSON.

16, *Cambridge-street, Hyde-park,*
London, Nov. 5, 1853.

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* The Council can have but little reason to boast of the resolution carried at that Meeting, for it is a fact which can be proved by the books of the Society, that out of between two and three thousand members less than one hundred attended that Meeting, so anxious were they to express their confidence in the Council; and of that number many were persons not legally Members of the Society (having been elected under the Bye-law of November, 1852), whose votes, consequently, were not only interested, but also void.

† Communications intended to be confidential will be strictly considered as such.